

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al., <i>Plaintiffs,</i> v.	5:21-cv-844-XR
GREGORY W. ABBOTT, et al., <i>Defendants.</i>	
OCA-GREATER HOUSTON, et al., <i>Plaintiffs,</i> v.	1:21-CV-0780-XR
JANE NELSON, et al., <i>Defendants.</i>	

**OCA PLAINTIFFS' APPENDIX IN SUPPORT OF THEIR REPLY IN SUPPORT OF
THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Dated: July 14, 2023

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Exhibit 1



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In The Matter Of

La Union Del Pueblo Entero, et al.,

Plaintiffs

v

State Of Texas, et al.,

Defendants

CASE

5:21-cv-844

Date

4-28-2022

Witness

Brian Keith Ingram, J.D.

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IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

LA UNION DEL PUEBLO §
 ENTERO, ET AL., §
 Plaintiffs, § Civil Action No.
 § 5:21-cv-844 (XR)
 VS. § (Consolidated Cases)

STATE OF TEXAS, ET AL. §
 Defendants. §

ORAL DEPOSITION OF
 BRIAN KEITH INGRAM, J.D.
 CORPORATE REPRESENTATIVE FOR THE
 TEXAS SECRETARY OF STATE OFFICE
 APRIL 28, 2022

ORAL DEPOSITION OF BRIAN KEITH INGRAM, J.D.,
 CORPORATE REPRESENTATIVE FOR THE TEXAS SECRETARY OF
 STATE OFFICE produced as a witness at the instance of
 the Plaintiffs and Plaintiff-Intervenors, and duly
 sworn, was taken in the above-styled and numbered cause
 on the 28th day of April 2022, from 9:03 a.m. to
 3:18 p.m., before Caroline Chapman, CSR in and for the
 State of Texas, reported by Computerized Stenotype
 Machine, Computer-Assisted Transcription, held at the
 rice Daniel Sr State Office Building, 209 West 14th
 Street, Austin, Texas, and via web-based conference
 pursuant to the Federal Rules of Civil Procedure.

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REQUESTED DOCUMENTS/INFORMATION

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1 **A. I don't know what the numbers would be on that.**

2 Q. Would it surprise you?

3 **A. I don't know what the numbers would be on that.**

4 **I don't know if that's a surprise or not. I have no**
5 **idea.**

6 Q. Would it be is problem for the architecture of
7 TEAM and the implementation of SB 1 if one in seven
8 voters in Texas had at some point, one in seven
9 registered voters in Texas had at some point been issued
10 more than one DPS ID number?

11 MS. HUNKER: Objection, form. Vague,
12 assumes facts not in evidence.

13 **A. No.**

14 Q. Why not?

15 **A. Because they have got the opportunity to**
16 **provide the last four of their social, and because over**
17 **time this is going to -- the information is going to get**
18 **fixed, corrected.**

19 Q. How is the information going to get fixed or
20 corrected?

21 **A. By the voter.**

22 Q. If a voter only has their Texas driver's
23 license number on TEAM and the voter provides both their
24 social security number and their Texas driver's license
25 number, but just as with the last example, the Texas

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1 driver's license number does not match TEAM and the
2 social security number is not in TEAM is the incorrect
3 number, the incorrect Texas driver's license number
4 evidence of fraud or impersonation?

5 **A. It is not.**

6 MS. HUNKER: Objection, form.

7 Q. Why not?

8 **A. Because it is just the wrong number.**

9 Q. In that case where the social security number
10 is not in TEAM, would that voter's absentee ballot by
11 mail application be rejected?

12 **A. Yes.**

13 MS. HUNKER: Objection, form.

14 Q. What is the value for election administration
15 in Texas of rejecting that ABBM?

16 MS. HUNKER: Objection, form. Vague.

17 **A. Well, the voter hasn't identified themselves as**
18 **the voter.**

19 Q. Has the voter provided their name and address
20 under penalty of perjury?

21 MS. HUNKER: Objection, form.

22 **A. They have filled out a form with their name and**
23 **address, yes.**

24 Q. And prior to SB 1, would you have said that
25 that same voter did identify themselves as the voter?

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1 MS. HUNKER: Objection, form.

2 **A. If they signed their application, sure.**

3 Q. Let's take another voter who has only their
4 social security number on TEAM. If that voter provides
5 only her Texas driver's license number on an absentee
6 ballot by mail application, is that number that is not
7 in TEAM evidence of fraud or impersonation?

8 **A. It is not.**

9 MS. HUNKER: Objection, form.

10 Q. Would that ABBM be rejected?

11 **A. It would.**

12 Q. What is the value for election administration
13 in Texas for rejecting that absentee ballot by mail
14 application?

15 MS. HUNKER: Objection, form, vague.

16 **A. It hasn't identified the voter that -- by the**
17 **way the law requires.**

18 Q. And you agree that the Texas Election Code
19 requires voters to certify under penalty of perjury that
20 they are the registered voter requesting or submitting
21 an absentee ballot?

22 **A. I don't know. I would have to look at an ABBM**
23 **and see if that statement is on there.**

24 Q. Mark this as Exhibit 4.

25 (Exhibit No. 4 marked.)

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I, BRIAN KEITH INGRAM, J.D., have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

 BRIAN KEITH INGRAM, J.D.

STATE OF TEXAS)

COUNTY OF TRAVIS)

Before me, _____, on this the day personally appeared BRIAN KEITH INGRAM, J.D., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this ____ day of _____, 2022.

 NOTARY PUBLIC IN AND FOR
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 FOR THE WESTERN DISTRICT OF TEXAS
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LA UNION DEL PUEBLO §
 ENTERO, ET AL., §
 Plaintiffs, § Civil Action No.
 § 5:21-cv-844 (XR)
 VS. § (Consolidated Cases)
 §
 STATE OF TEXAS, ET AL. §
 Defendants. §

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF

BRIAN KEITH INGRAM, J.D.

APRIL 28, 2022

I, CAROLINE CHAPMAN, Certified Shorthand
 Reporter in and for the State of Texas, hereby certify
 to the following:

That the witness, BRIAN KEITH INGRAM, J.D.
 was duly sworn by the officer and that the transcript of
 the oral deposition is a true record of the testimony
 given by the witness;

That the deposition transcript was
 submitted on May 2, 2022, to the witness or to the
 attorney for the witness for examination, signature, and
 return to me within 20 days;

That the amount of time used by each party
 at the deposition is as follows:

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1 Mr. Freeman - Two hours and fifty-five
 2 minutes.

3 Mr. Kanterman - One hour and twenty-two
 4 minutes.

5 That pursuant to information given to the
 6 deposition officer at the time said testimony was taken,
 7 the appearance page includes all parties of record.

8 I further certify that I am neither
 9 counsel for, related to, nor employed by any of the
 10 parties or attorneys in the action in which this
 11 proceeding was taken, and further that I am not
 12 financially or otherwise interested in the outcome of
 13 the action.

14 Certified to by me on May 2, 2022.

15

16

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Exhibit 2

Keith Ingram

March 28, 2023

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 2 FOR THE WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION
 3 LA UNION DEL PUEBLO ENTERO,)
 et al.,)
 Plaintiffs,)
 4 vs.) Civil Action No.
 STATE OF TEXAS, et al.,) 5:21-cv-844(XR)
 5 Defendants.)(Consolidated Cases)

6
 7 -----
 ORAL DEPOSITION OF
 KEITH INGRAM
 March 28, 2023
 Volume 1
 9 -----

10
 11 ORAL 30(b)(1) DEPOSITION OF KEITH INGRAM, Volume
 12 1, produced as a witness at the instance of the
 13 Plaintiffs, and duly sworn, was taken in the
 14 above-styled and numbered cause on March 28, 2023, from
 15 9:15 a.m. to 4:18 p.m., before Dana Shapiro, CSR, in
 16 and for the State of Illinois, reported by machine
 17 shorthand, at 209 W. 14th Street, Austin, Texas 78701,
 18 pursuant to the Federal Rules of Civil Procedure and
 19 any provisions stated on the record or attached
 20 hereto.

Keith Ingram

March 28, 2023

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cluther@disabilityrightstx.org

FOR INTERVENOR-DEFENDANTS HARRIS COUNTY REPUBLICAN
PARTY, DALLAS COUNTY REPUBLICAN PARTY, REPUBLICAN
NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL
COMMITTEE AND NATIONAL REPUBLICAN CONGRESSIONAL
COMMITTEE (appeared via ZOOM):

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FOR PLAINTIFFS HOUSTON AREA URBAN LEAGUE; DELTA SIGMA
THETA SORORITY, INC.; THE ARC OF TEXAS; AND JEFFREY
LAMAR CLEMMONS (appeared via ZOOM):

MS. KATHRYN SADASIVAN
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Keith Ingram

March 28, 2023

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1 A P P E A R A N C E S (continued):

2 FOR PLAINTIFFS LA UNION DEL PUEBLO ENTERO SOUTHWEST
3 VOTER REGISTRATION EDUCATION PROJECT:

4 MS. NINA PERALES
5 MS. JULIA R. LONGORIA(via ZOOM)
6 MS. FATIMA L. MENENDEZ(via ZOOM)
7 MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
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9 San Antonio, Texas 78205
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11 nperales@maldef.org
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-and-

9 MR. JASON KANTERMAN (via ZOOM)
10 MR. KEVIN ZHEN (via ZOOM)
11 FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP
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13 New York, New York 10004
14 212-859-8519
15 Jason.Kanterman@friedfrank.com
16 Kevin.Zhen@friedfrank.com

17 FOR PLAINTIFFS LULAC, TEXAS, VOTO LATINO, TEXAS
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21 250 Massachusetts Avenue, NW, Suite 400
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25 FOR THE UNITED STATES:

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MR. RICHARD A. DELLHEIM
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CIVIL RIGHTS DIVISION
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Keith Ingram

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A P P E A R A N C E S (continued):

-and-

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4 Constitution Square (4CON)
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FOR DEFENDANTS THE STATE OF TEXAS, GREG ABBOTT, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, JANE NELSON, IN
HER OFFICIAL CAPACITY OF THE TEXAS SECRETARY OF STATE,
WARREN K. PAXTON, IN HIS OFFICIAL CAPACITY AS THE TEXAS
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MR. ETHAN SZUMANSKI
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FOR OFFICE OF THE TEXAS SECRETARY OF STATE:

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FOR DEFENDANT LISA WISE, IN HER OFFICIAL CAPACITY AS
THE EL PASO COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):

MR. GERMAINE HABELL
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Los Angeles, California 90071-1560
213-561-3227
ghabell@cooley.com

Keith Ingram

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A P P E A R A N C E S (continued):

FOR DEFENDANTS BEXAR COUNTY ELECTIONS ADMINISTRATOR,
JACQUELYN CALLANEN AND BEXAR COUNTY DISTRICT ATTORNEY
JOE D. GONZALES (via ZOOM):

MS. LISA V. CUBRIEL
ASSISTANT DISTRICT ATTORNEY-CIVIL SECTION
BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE
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210-335-2142
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FOR PLAINTIFF MI FAMILIA VOTA (via ZOOM):

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FREE SPEECH FOR PEOPLE
1320 Centre Street, #405
Newton, Massachusetts 02459
617-249-3015
chostetler@freespeechforpeople.org

FOR DEFENDANTS CLIFFORD TATUM, IN HIS OFFICIAL CAPACITY
AS HARRIS COUNTY ELECTIONS ADMINISTRATOR (via ZOOM):

MR. SAMEER S. BIRRING
SENIOR ASSISTANT COUNTY ATTORNEY
OFFICE OF THE HARRIS COUNTY ATTORNEY
1019 Congress Plaza, 15th Floor
Houston, Texas 77002
713-274-5101
Sameer.Birring@harriscountytexas.gov

FOR DEFENDANT HIDALGO COUNTY ELECTIONS ADMINISTRATOR
DELIA GARZA (via ZOOM):

MS. LEIGH ANN TOGNETTI
ASSISTANT DISTRICT ATTORNEY
100 East Cano, First Floor
Hidalgo County Courthouse Annex III
Edinburg, Texas 78539
956-292-7609
leigh.tognetti@da.co.hidalgo.tx.us

ALSO PRESENT (via ZOOM):

MS. MORGAN HUMPHREY
MS. SAMANTHA KOBOR

Keith Ingram

March 28, 2023

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Keith Ingram

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1 (WHEREUPON, the witness was duly
2 sworn.)

3 KEITH INGRAM,
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. FREEMAN:

8 Q. My name is Dan Freeman. This is the
9 general election deposition of Mr. Keith Ingram in the
10 matter of La Union Del Pueblo Entero v. Abbott, U.S.
11 District Court for the Western District of Texas,
12 docket No. 5:21-cv-844.

13 Again, as you know, my name is Dan Freeman.
14 I represent the United States in this matter. With me
15 here today are Mr. Richard Dellheim and Mr. Mike
16 Stewart. And I will let everyone else introduce
17 themselves.

18 MS. PERALES: Nina Perales for Plaintiffs LUPE,
19 L-U-P-E, et al.

20 MS. HUNKER: Kathleen Hunker and Ethan Szumanski
21 representing the State Defendants along with individual
22 legislators for the purposes of legislative privilege
23 to the extent it's raised today. With me is Adam
24 Bitter, General Counsel for The Office of the Texas
25 Secretary of State.

Keith Ingram

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1 you talk to the voter registrar to confirm the voter
2 registration and status.

3 Q. But am I correct that the numbers provided
4 here, driver's license, Social Security number, they
5 are not used to look up the voter, they are used to
6 confirm the voter; is that correct?

7 A. They are used to make sure the voter has
8 properly identified themselves on the application, yes.

9 Q. Those numbers are not used to find the
10 voter in TEAM as part of the ABBM processing, correct?

11 A. No, sir. I mean not usually. I guess they
12 could look it up by DL number if they wanted to.

13 Q. Do you have any understanding as to
14 whether -- strike that.

15 Do you instruct local officials to do that?

16 MS. HUNKER: Objection, form.

17 BY THE WITNESS:

18 A. We don't tell them how they use TEAM. All
19 of the fields are available to look up anything they
20 want to look up.

21 BY MR. FREEMAN:

22 Q. Are you aware of any local officials using
23 the Texas driver's license number or Social Security
24 number to look up a voter as part of the initial
25 determination of their registration status?

Keith Ingram

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1 A. If that's the way they do it's the way we
2 do. We don't know about it.

3 Q. You don't know about it personally?

4 A. That's right. Or as an office that's not
5 something we get into.

6 Q. Okay.

7 A. We tell them how to do a voter search.

8 Q. Turn to page 40. You look at pages 40, 41
9 and 42. What are the matters set out on these pages in
10 the presentation?

11 A. They are talking about the new law, the
12 requirement for a number on the carrier envelope.

13 Q. Is there any information here about how the
14 numbers are to be used in the mail voting process other
15 than as a basis for rejection of a mail ballot?

16 A. That's not what this says. I don't know
17 why would you say -- what are you asking?

18 Q. I'm asking if there is any information here
19 about how the numbers are to be used in the mail voting
20 process other than as a basis to confirm voter identity
21 or reject the ballot?

22 MS. HUNKER: Objection, form.

23 BY THE WITNESS:

24 A. They are supposed to look up the number
25 provided by the voter to see if it's in the voter

PAGE/LINE	CHANGE	REASON
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This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Keith Ingram

March 28, 2023

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1 I, KEITH INGRAM, have read the foregoing
 2 deposition and hereby affix my signature that the same
 3 is true and correct, except as noted on the previous
 4 page.

5
 6 _____
 7 KEITH INGRAM

8 THE STATE OF _____)

9 COUNTY OF _____)

10 Before me, _____, on this day
 11 personally appeared KEITH INGRAM, known to me (or
 12 proved to me under oath or through _____)
 13 (description of identity card or other document) to be
 14 the person whose name is subscribed to the foregoing
 15 instrument and acknowledged to me that he executed the
 16 same for the purposes and consideration therein
 17 expressed.

18 Given under my hand and seal of office this _____
 19 day of _____, 20____.

20
 21 _____
 22 NOTARY PUBLIC IN AND FOR

23 THE STATE OF _____

24 COMMISSION EXPIRES: _____
 25

Keith Ingram

March 28, 2023

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION
 3 LA UNION DEL PUEBLO ENTERO,)
 et al.,)
 Plaintiffs,)
 4 vs.) Civil Action No.
 STATE OF TEXAS, et al.,) 5:21-cv-844(XR)
 5 Defendants.)(Consolidated Cases)

6
 7 REPORTER'S CERTIFICATION
 ORAL DEPOSITION OF
 8 KEITH INGRAM
 March 28, 2023
 9

10 I, Dana Shapiro, a Certified Shorthand Reporter,
 11 hereby certify to the following:

12 That the witness, KEITH INGRAM, was duly sworn by
 13 the officer and that the transcript of the oral
 14 deposition is a true record of the testimony given by
 15 the witness;

16 I further certify that pursuant to FRCP Rule
 17 30(e)(1) that the signature of the deponent:
 18 was requested by the deponent or a party before the
 19 completion of the deposition and that the signature is
 20 to be before any notary public and returned within 30
 21 days from date of receipt of the transcript. If
 22 returned, the attached Changes and Signature Pages
 23 contain any changes and reasons therefore;

24 I further certify that I am neither counsel for,
 25 related to, nor employed by any of the parties or

Keith Ingram

March 28, 2023
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1 attorneys in the action in which this proceeding was
2 taken, and further that I am not financially or
3 otherwise interested in the outcome of the action.

4 Certified to by me this April 10, 2023.

5 *Dana Shapiro*
6

7 Dana Shapiro
8 Illinois CSR 84-3597
9 Expiration: 5/31/23
10 Magna Legal Services
11 Firm Registration No. 633
12 1635 Market Street
13 8th Floor
14 Philadelphia, PA 19103
15
16
17
18
19
20
21
22
23
24
25

Keith Ingram

March 28, 2023

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1 COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3 I hereby certify that the witness was notified on
4 _____, that the witness has 30 days
5 after being notified by the officer that the transcript
6 is available for review by the witness and if there are
7 changes in the form or substance to be made, then the
8 witness shall sign a statement reciting such changes
9 and the reasons given by the witness for making them;

10 That the witness' signature was/was not returned
11 as of _____.

12 Subscribed and sworn to on this _____ day of
13 _____, 20____.

14
15 _____
16 Dana Shapiro
17 Illinois CSR 84-3597
18 Expiration: 5/31/23
19 Magna Legal Services
20 Firm Registration No. 633
21 1635 Market Street
22 8th Floor
23 Philadelphia, PA 19103
24
25

Exhibit 3

Frank Phillips

March 31, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO §
ENTERO, ET AL., §

PLAINTIFFS, §

V. §

STATE OF TEXAS, ET §
AL., §

DEFENDANTS. §

CIVIL ACTION NO.5:21-CV-844 (XR)
(CONSOLIDATED CASES)

ORAL DEPOSITION OF

FRANK PHILLIPS

MARCH 31, 2023

ORAL DEPOSITION OF FRANK PHILLIPS, PRODUCED AS A
WITNESS AT THE INSTANCE OF THE PLAINTIFF, AND DULY
SWORN, WAS TAKEN IN THE ABOVE-STYLED AND -NUMBERED CAUSE
ON THE 31ST DAY OF MARCH, 2023, FROM 9:14 A.M. TO
12:40 P.M., BEFORE KAREN A. GONZALEZ, COMMISSIONED
NOTARY, IN AND FOR THE STATE OF TEXAS, REPORTED BY
MACHINE SHORTHAND, FROM DALLAS COUNTY, TEXAS, PURSUANT
TO THE TEXAS RULES OF CIVIL PROCEDURE, THE TEXAS SUPREME
COURT EMERGENCY ORDER REGARDING THE COVID-19 STATE OF
DISASTER AND THE PROVISIONS STATED ON THE RECORD OR
ATTACHED HERETO.

Frank Phillips

March 31, 2023

Pages 2 to 5

<p style="text-align: center;">A P P E A R A N C E S</p> <p>Page 2</p> <p>1 2 3 FOR THE PLAINTIFF: 4 MS. JENNIFER YUN ATTORNEYS, VOTING SECTION 5 CIVIL RIGHTS DIVISION U.S. DEPARTMENT OF JUSTICE 6 950 PENNSYLVANIA AVENUE NW WASHINGTON, D.C. 20530 7 TELEPHONE: (202) 307-2767 E-MAIL: JENNIFER.YUN@USDOJ.GOV 8 MR. WILLIAM D'ANGELO (VIA ZOOM) 9 ARENTOX SCHIFF 555 WEST FIFTH STREET 10 48TH FLOOR LOS ANGELES CALIFORNIA 90013 11 TELEPHONE: (213) 443-7667 E-MAIL: WILLIAM.DANGELO@AFSLAW.COM 12 FOR THE DEFENDANTS: 13 MS. KATHLEEN HUNKER OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF TEXAS 14 P.O. BOX 12548 (MC-009) AUSTIN, TEXAS 78711, 15 TELEPHONE: (512) 463-2100 E-MAIL: KATHLEEN.HUNKER@OAG.TEXAS.GOV 16 INTERVENOR DEFENDANTS: 17 MR. STEPHEN J. KENNY (VIA ZOOM) JONES DAY 18 51 LOUISIANA AVENUE N.W. WASHINGTON, D.C. 20001 19 TELEPHONE: (202) 879-3939 E-MAIL: SKENNY@JONESDAY.COM 20 21 22 23 24 25</p>	<p style="text-align: center;">R E P O R T E D F R O M D A L L A S C O U N T Y , T E X A S</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>Page 4</p> <p>1 2 3 4 5 THE REPORTER: WE ARE NOW ON THE RECORD. 6 TODAY IS MARCH 31ST, 2023. THE TIME IS NOW 9:14 A.M. 7 CENTRAL STANDARD TIME. 8 WE ARE HERE TO TAKE MR. FRANK PHILLIPS'S 9 DEPOSITION IN THE MATTER LA UNIÓN DEL PUEBLO ENTERO, ET 10 AL., PLAINTIFFS, VS. STATE OF TEXAS, ET AL., DEFENDANTS. 11 WE ARE CURRENTLY LOCATED AT 2001 BEACH 12 STREET, SUITE 700, FORT WORTH, TEXAS, 76103. 13 AT THIS TIME, WILL COUNSEL STATE YOUR 14 APPEARANCE FOR THE RECORD, PLEASE. 15 MS. YUN: JENNIFER YUN FROM THE DEPARTMENT 16 OF JUSTICE. 17 MS. HUNKER: KATHLEEN HUNKER WITH THE OFFICE 18 OF THE TEXAS ATTORNEY GENERAL REPRESENTING STATE 19 DEFENDANTS AND INDIVIDUAL EX-LEADERS. 20 MR. D'ANGELO: WILLIAM D'ANGELO FROM 21 ARENTOX SCHIFF REPRESENTING -- CO-COUNSEL FOR THE 22 PLAINTIFFS. 23 THE REPORTER: ANYBODY ELSE FROM ZOOM? 24 MR. KENNY: STEPHEN KENNY, JONES DAY, 25 REPRESENTING THE INTERVENOR DEFENDANTS.</p>
<p style="text-align: center;">I N D E X</p> <p>Page 3</p> <p>1 2 3 APPEARANCES. 2 4 SWORN STATEMENT OF FRANK PHILLIPS 5 EXAMINATION BY MS. YUN. 5 6 EXAMINATION BY MS. HUNKER 96 7 FURTHER EXAMINATION BY MS. YUN. 107 8 FURTHER EXAMINATION BY MS. HUNKER 113 9 CHANGES AND SIGNATURE. 116 10 JURAT. 117 11 REPORTER'S CERTIFICATE 118 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">E X H I B I T S</p> <p>NO. DESCRIPTION PAGE</p> <p>1 WFAA ARTICLE 18 2 DENTON RECORD-CHRONICLE ARTICLE 5/7/21 26 3 DENTON COUNTY VOTER REGISTRATION FIGURES 32 4 TARRANT COUNTY VOTER REGISTRATION FIGURES. 34 5 WFAA ARTICLE ON MAIL-IN VOTING 36 6 SPREADSHEET MARCH 2022 PRIMARY ELECTION MAIL BALLOT 7 REJECTION 45 8 E-MAIL CHAIN DATED 4/1/22. 56 9 ABBM FORM. 95 10 CARRIER ENVELOPE 95 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 5</p> <p>1 THE REPORTER: THANK YOU. 2 MR. FRANK PHILLIPS, IF YOU COULD PLEASE 3 RAISE YOUR RIGHT HAND. 4 THE WITNESS: I DO. 5 FRANK PHILLIPS, 6 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED 7 AND TESTIFIED AS FOLLOWS: 8 EXAMINATION 9 BY MS. YUN: 10 Q. GOOD MORNING, MR. PHILLIPS. 11 A. GOOD MORNING. 12 Q. WE MET ALREADY, BUT I'M JENNIFER YUN FROM THE 13 U.S. DEPARTMENT OF JUSTICE. 14 A. OKAY. 15 Q. THANK YOU FOR JOINING US THIS MORNING. 16 A. SURE. 17 Q. COULD YOU PLEASE STATE YOUR NAME FOR THE RECORD? 18 A. FRANK PHILLIPS. 19 Q. BEFORE WE DO ANYTHING ELSE, I WANT TO MAKE SURE 20 WE HAVE A SMOOTH DEPOSITION. 21 ARE YOU -- HAVE YOU EVER BEEN DEPOSED BEFORE? 22 A. I HAVE NOT. 23 Q. SO HERE'S SOME GROUND RULES TO HELP US THROUGHOUT 24 THE DEPOSITION. SO FIRST THIS WORKS BEST FOR THE COURT 25 REPORTER IF YOU WAIT TO START YOUR ANSWER UNTIL I</p>

Frank Phillips

March 31, 2023

Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 COMPLETELY FINISH MY QUESTION.</p> <p>2 IS THAT OKAY WITH YOU?</p> <p>3 A. SURE.</p> <p>4 Q. AND THE COURT REPORTER CANNOT INDICATE ANY HEAD</p> <p>5 NODS OR OTHER GESTURES OR UMMM, YOU KNOW, SOUNDS, SO --</p> <p>6 SO EVERY ANSWER NEEDS TO BE VERBAL.</p> <p>7 IS THAT OKAY WITH YOU?</p> <p>8 A. YES.</p> <p>9 Q. ARE YOU BEING REPRESENTED BY AN ATTORNEY TODAY?</p> <p>10 MS. HUNKER: I'M REPRESENTING THE STATE</p> <p>11 DEFENDANTS. MR. PHILIPS DOES NOT HAVE A SPECIFIC</p> <p>12 ATTORNEY WITH HIM TODAY.</p> <p>13 A. CORRECT.</p> <p>14 Q. (BY MS. YUN) OKAY. MS. HUNKER MAY STILL OBJECT</p> <p>15 TO A QUESTION, AND AS WOULD -- AS CAN ANY OTHER</p> <p>16 ATTORNEYS ON THE -- ON ZOOM. BUT YOU SHOULD STILL</p> <p>17 ANSWER THE QUESTION UNLESS THERE'S ANY SPECIFIC</p> <p>18 INSTRUCTION NOT TO.</p> <p>19 A. OKAY.</p> <p>20 Q. IF YOU DON'T UNDERSTAND A QUESTION OR NEED ANY</p> <p>21 CLARIFICATION, COULD YOU PLEASE SAY SO?</p> <p>22 A. YES.</p> <p>23 Q. ON THE OTHER HAND, IF YOU ASK -- ANSWER WITHOUT</p> <p>24 ASKING FOR CLARIFICATION, I'LL ASSUME THAT YOU</p> <p>25 UNDERSTOOD MY QUESTION.</p>	<p style="text-align: right;">Page 8</p> <p>1 DO YOU HAVE ANY QUESTIONS?</p> <p>2 A. NO, MA'AM.</p> <p>3 Q. I WILL START WITH SOME BASIC BACKGROUND</p> <p>4 QUESTIONS.</p> <p>5 WHERE DO YOU WORK?</p> <p>6 A. I WORK FOR DENTON COUNTY AS THE DENTON COUNTY</p> <p>7 ELECTIONS ADMINISTRATOR.</p> <p>8 Q. COULD YOU EXPLAIN WHAT YOUR POSITION ENTAILS?</p> <p>9 A. YES. THE GENERAL OVERSIGHT OF ALL OF THE</p> <p>10 ELECTIONS IN DENTON COUNTY AND VOTER REGISTRATION IN</p> <p>11 GENERAL.</p> <p>12 Q. WHO DO YOU REPORT TO?</p> <p>13 A. THAT'S A LITTLE COMPLICATED IN TEXAS. I AM HIRED</p> <p>14 BY AN ELECTION COMMISSION. AND THEN IN MY DAY-TO-DAY</p> <p>15 ACTIVITY, I REPORT TO THE COUNTY JUDGE OF DENTON COUNTY.</p> <p>16 Q. AND IS THE COUNTY COMMISSION -- THE ELECTIONS</p> <p>17 COMMISSION, IS THAT A -- WHO MAKES UP THAT COMMISSION?</p> <p>18 A. THE ELECTION COMMISSION IS MADE UP OF THE COUNTY</p> <p>19 JUDGE, THE TAX ASSESSOR/COLLECTOR, COUNTY CLERK, THE</p> <p>20 REPUBLICAN PARTY CHAIR OF DENTON COUNTY, AND THE</p> <p>21 DEMOCRATIC PARTY CHAIR OF DENTON COUNTY.</p> <p>22 Q. HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?</p> <p>23 A. I INITIALLY BECAME THE ELECTION ADMINISTRATOR IN</p> <p>24 DENTON COUNTY IN 2009. I LEFT IN 2014 AND BECAME THE</p> <p>25 ELECTION ADMINISTRATOR IN TARRANT COUNTY. AND THEN IN</p>
<p style="text-align: right;">Page 7</p> <p>1 IS THAT FAIR?</p> <p>2 A. YES.</p> <p>3 Q. IS THERE ANY REASON YOUR MEMORY OR ABILITY TO</p> <p>4 ANSWER QUESTIONS WOULD BE IMPAIRED TODAY?</p> <p>5 A. NO.</p> <p>6 Q. IS THERE ANY REASON YOUR ABILITY TO EFFECTIVELY</p> <p>7 COMMUNICATE YOUR ANSWERS WILL BE IMPAIRED TODAY?</p> <p>8 A. NO.</p> <p>9 Q. HAVE YOU CONSUMED ANY PRESCRIPTION MEDICATION,</p> <p>10 DRUGS, ALCOHOL, OR SUFFERED ANY CONDITION OR INJURY THAT</p> <p>11 MAY PREVENT YOU FROM TESTIFYING TRUTHFULLY AND</p> <p>12 ACCURATELY TODAY?</p> <p>13 A. NO.</p> <p>14 Q. I WANT TO REMIND YOU THAT YOU'RE UNDER OATH AND</p> <p>15 SUBJECT TO PENALTIES FOR GIVING FALSE OR MISLEADING</p> <p>16 TESTIMONY. SO THAT -- SO IT'S IMPORTANT THAT YOU ANSWER</p> <p>17 MY QUESTIONS TRUTHFULLY AND ACCURATELY AND COMPLETELY.</p> <p>18 IS THAT FAIR?</p> <p>19 A. YES.</p> <p>20 Q. AND FINALLY, IF YOU NEED A BREAK, JUST LET ME</p> <p>21 KNOW AND WE CAN TAKE ONE. HOWEVER, I WILL ASK THAT YOU</p> <p>22 ANSWER ANY PENDING QUESTION BEFORE WE TAKE A BREAK.</p> <p>23 IS THAT OKAY?</p> <p>24 A. YES.</p> <p>25 Q. GREAT.</p>	<p style="text-align: right;">Page 9</p> <p>1 2016, I LEFT AND CAME BACK TO DENTON COUNTY AND I'VE</p> <p>2 BEEN THERE SINCE.</p> <p>3 Q. AND DID YOU HOLD ANY OTHER POSITION WITHIN THE</p> <p>4 DENTON COUNTY ELECTIONS OFFICE PRIOR TO 2009?</p> <p>5 A. NO.</p> <p>6 Q. WHAT DID YOU DO BEFORE YOU JOINED THE DENTON</p> <p>7 COUNTY ELECTIONS OFFICE IN 2009?</p> <p>8 A. I WAS THE DIRECTOR OF ADMINISTRATION FOR OUR</p> <p>9 COUNTY JUDGE, AND I HAD BEEN IN THAT POSITION SINCE</p> <p>10 2003.</p> <p>11 Q. AND DID THAT POSITION ENTAIL ANY ELECTION-RELATED</p> <p>12 DUTIES?</p> <p>13 A. NOT DIRECTLY. THE ONLY THING EVEN REMOTELY</p> <p>14 CONNECTED WAS ANYTHING THAT WENT ON COMMISSIONERS COURT,</p> <p>15 EVEN IF IT WAS THEIR AGENDA, EVEN IF IT WAS</p> <p>16 ELECTION-RELATED HAD TO GO THROUGH ME TO GET ON THE</p> <p>17 AGENDA, AN ADMINISTRATIVE FUNCTION, SORRY.</p> <p>18 Q. RIGHT. SO EVERYTHING HAD TO GO THROUGH YOU IN</p> <p>19 ORDER TO GET ON THAT AGENDA.</p> <p>20 A. CORRECT.</p> <p>21 Q. INCLUDING ELECTION-RELATED FUNCTIONS.</p> <p>22 A. CORRECT.</p> <p>23 Q. AND WHAT DID YOU DO BEFORE 2003?</p> <p>24 A. I WAS -- IMMEDIATELY BEFORE THAT, I WAS -- HAD A</p> <p>25 CONTRACT POSITION THROUGH THE STATE DEPARTMENT WITH</p>

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Pages 18 to 21

<p style="text-align: right;">Page 18</p> <p>1 YOUR CONVERSATIONS WITH MS. HUNKER.</p> <p>2 HAVE YOU SPOKEN TO ANYONE ELSE IN HER OFFICE, THE</p> <p>3 OFFICE OF THE ATTORNEY GENERAL OF TEXAS, ABOUT THIS</p> <p>4 CASE?</p> <p>5 A. NO.</p> <p>6 Q. OKAY. AND I ASKED YOU EARLIER ABOUT WHETHER YOU</p> <p>7 SPOKE TO THE SECRETARY OF STATE'S OFFICE ABOUT THIS</p> <p>8 DEPOSITION.</p> <p>9 HAVE YOU SPOKEN TO ANYONE FROM THE SECRETARY OF</p> <p>10 STATE'S OFFICE ABOUT THIS CASE?</p> <p>11 A. NO.</p> <p>12 Q. (BY MS. YUN) OKAY. I AM GOING TO HAND YOU WHAT</p> <p>13 HAS BEEN MARKED AS EXHIBIT 1.</p> <p>14 CAN YOU DESCRIBE WHAT IT IS?</p> <p>15 (EXHIBIT 1 MARKED.)</p> <p>16 A. LET ME LOOK AT THE WHOLE THING.</p> <p>17 Q. (BY MS. YUN) SURE. TAKE YOUR TIME.</p> <p>18 (PAUSE IN PROCEEDINGS.)</p> <p>19 A. OKAY. YEAH, THIS APPEARS TO BE AN ARTICLE FROM</p> <p>20 -- I BELIEVE IT'S -- I BELIEVE IT'S WFAA, WHICH IS</p> <p>21 CHANNEL 8 IN DFW, BUT IT'S A PRINTED ARTICLE.</p> <p>22 Q. (BY MS. YUN) RIGHT.</p> <p>23 A. YEAH. IT'S A WFAA REPORT. YEAH.</p> <p>24 Q. AND HAVE YOU SEEN IT BEFORE?</p> <p>25 A. I HAVE, YES.</p>	<p style="text-align: right;">Page 20</p> <p>1 GENERAL'S OFFICE DID WORK ON THIS INVESTIGATION AND</p> <p>2 PROSECUTION, AND THAT IS STILL ONGOING. THE TRIAL DATE</p> <p>3 IS GOING TO BE SET PRETTY SOON.</p> <p>4 AND SO I'M GOING TO ADVISE THE WITNESS TO</p> <p>5 ONLY DISCLOSE INFORMATION THAT WAS EITHER PUBLIC OR HE</p> <p>6 BELIEVES WOULD NOT COMPROMISE ANY OF THE INVESTIGATION</p> <p>7 OR PROSECUTION AS IT'S GOING FORWARD.</p> <p>8 MS. YUN: YEAH, I WOULD JUST LIKE TO CLARIFY</p> <p>9 OR FOR THE RECORD THAT I'M SEEKING TESTIMONY CONCERNING</p> <p>10 YOUR -- THE WITNESS'S FIRSTHAND KNOWLEDGE ABOUT THE</p> <p>11 INCIDENT AND NOT THE CONTEXT OF ANY INVESTIGATORY FILE.</p> <p>12 Q. (BY MS. YUN) SO IT IS ABOUT YOUR KNOWLEDGE ABOUT</p> <p>13 THE CASE AS YOU WERE, FOR EXAMPLE, SPEAKING TO THE</p> <p>14 REPORTER IN 2020, NOT RELATED TO ANYTHING THAT THE OAG</p> <p>15 MAY HAVE DONE IN ITS COURSE OF THE INVESTIGATION.</p> <p>16 A. OKAY. REPEAT YOUR INITIAL QUESTION.</p> <p>17 Q. SURE.</p> <p>18 COULD YOU JUST TELL ME MORE ABOUT YOUR -- HOW</p> <p>19 YOUR OFFICE WAS ABLE TO IDENTIFY THIS ISSUE IN 2020?</p> <p>20 MS. HUNKER: AND SAME OBJECTION AND ADVICE.</p> <p>21 A. I'M A LITTLE UNCOMFORTABLE TO GET INTO DETAILS,</p> <p>22 BECAUSE IT IS ONGOING AND HAS NOT BEEN TO TRIAL YET.</p> <p>23 I'LL GENERICALLY SAY WHAT IT SAID RIGHT HERE IN</p> <p>24 PRINT, THAT WE NOTICED THAT THERE WERE A NUMBER OF</p> <p>25 APPLICATIONS BEING SENT TO A SPECIFIC ADDRESS THAT</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. DO YOU RECALL GIVING STATEMENTS TO WFAA FOR THIS</p> <p>2 ARTICLE?</p> <p>3 A. I DO.</p> <p>4 Q. DO YOU HAVE ANY REASON TO BELIEVE THAT THE</p> <p>5 ARTICLE DOES NOT ACCURATELY REFLECT THE STATEMENTS YOU</p> <p>6 GAVE TO WFAA?</p> <p>7 A. NO, I BELIEVE THEY'RE ACCURATE.</p> <p>8 Q. OKAY. I'D LIKE TO DIRECT YOUR ATTENTION TO</p> <p>9 PAGE 4 OF THE ARTICLE. SO IT'S WHERE THE SCREENSHOT OF</p> <p>10 YOUR --</p> <p>11 A. OKAY.</p> <p>12 Q. -- CONVERSATION, I BELIEVE, WITH THE REPORTER?</p> <p>13 A. OKAY.</p> <p>14 Q. SO, IT SAYS TOWARDS THE TOP, "FRANK PHILLIPS, THE</p> <p>15 ELECTIONS ADMINISTRATOR FOR DENTON COUNTY, TOLD WFAA</p> <p>16 THAT HE ALERTED AUTHORITIES ABOUT THE REQUESTED ABSENTEE</p> <p>17 BALLOTS WHEN HE NOTICED THEY WERE BEING SENT TO A P.O.</p> <p>18 BOX. 'WHEN YOU SEE THAT -- WHEN WE SEE THAT, WE</p> <p>19 DOUBLE-CHECK THE ADDRESS,' PHILLIPS SAID. 'IT SENDS UP</p> <p>20 A RED FLAG WHEN YOU HAVE A LARGE NUMBER OF BALLOTS GOING</p> <p>21 SOMEWHERE LIKE THAT.'"</p> <p>22 COULD YOU TELL ME MORE ABOUT HOW YOUR OFFICE WAS</p> <p>23 ABLE TO IDENTIFY THIS INCIDENT IN 2020?</p> <p>24 MS. HUNKER: OKAY. SO I'M GOING TO RAISE AN</p> <p>25 OBJECTION ON INVESTIGATIVE PRIVILEGE. THE ATTORNEY</p>	<p style="text-align: right;">Page 21</p> <p>1 RAISED A RED FLAG FOR US.</p> <p>2 Q. (BY MS. YUN) AND WHAT HAPPENED NEXT WHEN THAT</p> <p>3 RED FLAG WAS RAISED? WHAT HAPPENED?</p> <p>4 A. I WANT TO CLARIFY ONE THING HERE. YOU ASKED ME</p> <p>5 IF MY QUOTES IN HERE, IF THEY WERE ACCURATE, AND I</p> <p>6 ANSWERED YES. AND I STILL THINK THAT'S YES. BUT ONE OF</p> <p>7 THE THINGS THAT I SEE HERE THAT'S NOT A QUOTE OF MINE --</p> <p>8 Q. UH-HUH.</p> <p>9 A. -- IS IT SAYS, THEY WERE BEING SENT TO A P.O.</p> <p>10 BOX. THAT'S NOT ACCURATE. THEY WERE BEING SENT TO A --</p> <p>11 A COMMERCIAL MAILBOX. A P.O. BOX IS A USPS --</p> <p>12 Q. UH-HUH.</p> <p>13 A. -- IT WAS NOT A USPS.</p> <p>14 Q. I SEE.</p> <p>15 A. IT WAS A COMMERCIAL MAILBOX.</p> <p>16 Q. GOT IT.</p> <p>17 A. I THINK THEY PROBABLY USED P.O. BOX GENERICALLY</p> <p>18 HERE.</p> <p>19 Q. UNDERSTOOD.</p> <p>20 A. BUT, ANYWAY, SO WE NOTICED THEM GOING TO -- A</p> <p>21 LARGE NUMBER GOING TO ONE ADDRESS. WE RESEARCHED THAT</p> <p>22 ADDRESS BECAUSE THAT ADDRESS IS NOT A RESIDENTIAL</p> <p>23 ADDRESS IN OUR VOTER REGISTRATION SYSTEM AND DETERMINED</p> <p>24 THAT IT WAS A COMMERCIAL MAILBOX FACILITY.</p> <p>25 Q. AND THEN WHAT HAPPENED NEXT?</p>

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Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 A. WE GATHERED THOSE APPLICATIONS. AND THEN AT THAT</p> <p>2 POINT, I BELIEVED THAT THERE WAS A POSSIBILITY OF SOME</p> <p>3 MAIL VOTING FRAUD TAKING PLACE OF -- I DID TWO THINGS.</p> <p>4 I HAD PREVIOUSLY WORKED IN TARRANT COUNTY WITH AN</p> <p>5 INVESTIGATOR FROM THE AG'S OFFICE ON SOME SIMILAR THING.</p> <p>6 SO I TRIED TO FIND HIS PHONE NUMBER.</p> <p>7 Q. UH-HUH.</p> <p>8 A. I COULDN'T DO IT. SO I WASN'T SUCCESSFUL THERE.</p> <p>9 I E-MAILED THE SECRETARY OF STATE'S OFFICE AND --</p> <p>10 ON THEIR GENERIC ELECTIONS E-MAIL ASKING SOMEONE TO</p> <p>11 CONTACT ME. AND THEN I CONTACTED OUR SHERIFF'S</p> <p>12 DEPARTMENT.</p> <p>13 Q. AND OVER -- DO YOU REMEMBER OVER THE -- HOW</p> <p>14 LONG -- STRIKE THAT --</p> <p>15 ABOUT HOW MANY APPLICATIONS FOR BALLOT BY MAIL</p> <p>16 WERE THERE AT THE TIME WHEN YOU LOOKED UP THE ADDRESS?</p> <p>17 A. I DON'T REMEMBER THE NUMBER AT THE TIME WHEN WE</p> <p>18 FIRST LOOKED IT UP. I MEAN, ENOUGH TO RAISE ATTENTION.</p> <p>19 Q. AND WAS IT SOMEONE THAT YOU WERE SUPERVISING WHO</p> <p>20 RAISED THAT CONCERN WITH YOU OR DID YOU NOTICE IT</p> <p>21 YOURSELF? HOW DID IT COME ABOUT?</p> <p>22 A. IT WAS SOMEONE I WAS SUPERVISING.</p> <p>23 Q. AND --</p> <p>24 MS. HUNKER: CAN WE GO OFF THE RECORD?</p> <p>25 MS. YUN: YEAH.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I DON'T REMEMBER THE EXACT NUMBER, BECAUSE THE 84</p> <p>2 COULD BE CUMULATIVE. I'M NOT CERTAIN. BUT I BELIEVE</p> <p>3 SOME OF THOSE MAY HAVE BEEN SENT TO DALLAS COUNTY. SO</p> <p>4 THAT COULD INCLUDE SOME OF THOSE. I'M NOT SURE.</p> <p>5 Q. (BY MS. YUN) I SEE.</p> <p>6 SO WOULD IT BE FAIR TO SAY THAT ABOUT 110 ILLEGAL</p> <p>7 VOTES WERE ATTEMPTED IN THIS CASE?</p> <p>8 MS. HUNKER: OBJECTION; FORM.</p> <p>9 A. YEAH, I'M NOT SURE ABOUT THAT.</p> <p>10 Q. (BY MS. YUN) OKAY. HAVE YOU BEEN ASKED TO</p> <p>11 TESTIFY IN THE CRIMINAL CASE?</p> <p>12 A. I HAVE NOT, BECAUSE NO COURT DATE HAS BEEN SET.</p> <p>13 OR LET ME REPHRASE THAT. I BELIEVE THE INITIAL</p> <p>14 COURT DATE WAS SET AND IT WAS -- HAS BEEN RESET. SO NO,</p> <p>15 I HAVEN'T.</p> <p>16 Q. WAS YOUR UNDERSTANDING THAT WHEN THE INITIAL</p> <p>17 COURT DATE WAS SET, THAT YOU WOULD TESTIFY AT TRIAL AT</p> <p>18 THAT TIME?</p> <p>19 A. THAT'S ONLY AN ASSUMPTION ON MY PART, BUT I HAD</p> <p>20 NOT ACTUALLY BEEN CONTACTED. I CONTACTED THE DISTRICT</p> <p>21 ATTORNEY'S OFFICE JUST TO INQUIRE, AND THEY SAID A DATE</p> <p>22 HAD BEEN SET. AND THEN HE INFORMED ME A FEW DAYS LATER</p> <p>23 IT HAD BEEN RESET FOR I DON'T KNOW WHAT REASON.</p> <p>24 Q. I SEE.</p> <p>25 WHEN, TO THE BEST OF YOUR RECOLLECTION, DID YOU</p>
<p style="text-align: right;">Page 23</p> <p>1 THE REPORTER: OFF THE RECORD AT 9:43 A.M.,</p> <p>2 CENTRAL STANDARD TIME.</p> <p>3 (OFF THE RECORD.)</p> <p>4 THE REPORTER: BACK ON THE RECORD AT</p> <p>5 9:43 A.M.</p> <p>6 Q. (BY MS. YUN) I'M GOING TO DIRECT YOUR ATTENTION</p> <p>7 TO PAGE 2 OF THE EXHIBIT.</p> <p>8 SO TOWARDS -- I GUESS THIS IS THE FOURTH</p> <p>9 PARAGRAPH FROM THE TOP. IT SAYS -- IT SAYS THAT A</p> <p>10 SEARCH WARRANT WAS EXECUTED AND THEY FOUND 25 BALLOTS AT</p> <p>11 THE DEFENDANT'S HOME, AND THEN THE DEFENDANT ALLEGEDLY</p> <p>12 SENT 84 APPLICATIONS FOR MAIL-IN BALLOTS.</p> <p>13 IS THAT -- DO THOSE NUMBERS SOUND RIGHT TO YOU?</p> <p>14 A. I CAN SPEAK TO THE 84 APPLICATIONS FOR MAIL-IN</p> <p>15 BALLOTS.</p> <p>16 Q. UH-HUH.</p> <p>17 A. THAT SOUNDS CORRECT. BUT I WAS NOT THERE WHEN</p> <p>18 THE WARRANT WAS EXECUTED, SO I HAVE NO IDEA.</p> <p>19 Q. RIGHT.</p> <p>20 SO WHEN THEY -- WHEN THEY SAY THAT THEY FOUND</p> <p>21 84 -- OR THAT THE DEFENDANT ALLEGEDLY SENT</p> <p>22 84 APPLICATIONS, THAT WAS BASED ON -- WAS THAT A NUMBER</p> <p>23 THAT YOU FOUND -- YOUR OFFICE FOUND, OR IS THAT BASED ON</p> <p>24 THE SHERIFF'S OFFICE'S INVESTIGATION?</p> <p>25 MS. HUNKER: OBJECTION; FORM.</p>	<p style="text-align: right;">Page 25</p> <p>1 CONTACT THE DA'S OFFICE?</p> <p>2 A. IT WAS PROBABLY -- I COULD BE A LITTLE OFF HERE,</p> <p>3 BUT PROBABLY JANUARY, MAYBE FEBRUARY.</p> <p>4 Q. OF THIS YEAR --</p> <p>5 A. THIS YEAR, YES, MA'AM, 2023.</p> <p>6 Q. IS THERE ANY OTHER FACTS THAT YOU KNOW THAT BEAR</p> <p>7 ON THE CASE THAT YOU HAVEN'T TOLD ME SO FAR?</p> <p>8 MS. HUNKER: OBJECTION; FORM.</p> <p>9 A. NO.</p> <p>10 Q. (BY MS. YUN) OKAY. LET'S LOOK AT PAGE 5. AND</p> <p>11 STARTING IN THE SECOND PARAGRAPH, "HOWEVER, PHILLIPS SAID</p> <p>12 SAFEGUARDS IN HIS OFFICE PREVENTED ANY OF THE BALLOTS IN</p> <p>13 QUESTION FROM BEING CAST. 'WE HAVE PROCESSES IN PLACE</p> <p>14 TO HELP IDENTIFY THAT, AND IT WORKED. WE WERE ABLE TO</p> <p>15 STOP IT,' PHILLIPS SAID."</p> <p>16 WHAT PROCESSES WERE YOU REFERRING TO IN THAT</p> <p>17 STATEMENT?</p> <p>18 A. GENERALLY, WE DO TRAIN OUR PEOPLE TO LOOK FOR</p> <p>19 APPLICATIONS THAT ARE BEING SENT TO -- OR MULTIPLE</p> <p>20 APPLICATIONS BEING SENT TO ONE ADDRESS.</p> <p>21 Q. WAS THERE ANYTHING ELSE?</p> <p>22 A. NO.</p> <p>23 Q. DO YOU STILL AGREE WITH THAT STATEMENT, THAT THE</p> <p>24 DENTON COUNTY ELECTIONS OFFICE HAD PROCESSES IN PLACE IN</p> <p>25 2020 TO IDENTIFY MAIL-IN VOTER IMPERSONATION?</p>

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Pages 26 to 29

<p style="text-align: right;">Page 26</p> <p>1 MS. HUNKER: OBJECTION; FORM.</p> <p>2 A. I DO.</p> <p>3 Q. (BY MS. YUN) AND DO YOU STILL AGREE THAT THOSE</p> <p>4 PROCESSES WERE TO STOP THE FRAUDULENT VOTES IN</p> <p>5 CARROLLTON FROM ACTUALLY COUNTING IN 2020?</p> <p>6 MS. HUNKER: OBJECTION; FORM.</p> <p>7 A. I DO.</p> <p>8 Q. (BY MS. YUN) OKAY. I'M GOING TO -- WE CAN SET</p> <p>9 THAT ONE ASIDE.</p> <p>10 I'M NOW HANDING YOU WHAT'S BEEN MARKED AS</p> <p>11 EXHIBIT 2. IF YOU COULD TAKE A LOOK --</p> <p>12 (EXHIBIT 2 MARKED.)</p> <p>13 MS. HUNKER: CAN WE GO OFF THE RECORD FOR A</p> <p>14 MINUTE?</p> <p>15 THE REPORTER: YES. WE'RE OFF THE RECORD AT</p> <p>16 9:49 A.M., CENTRAL STANDARD TIME.</p> <p>17 (OFF THE RECORD.)</p> <p>18 THE REPORTER: THE TIME IS NOW 9:55 A.M. WE</p> <p>19 ARE BACK ON THE RECORD.</p> <p>20 Q. (BY MS. YUN) OKAY. SO RIGHT BEFORE THE BREAK, I</p> <p>21 HANDED YOU WHAT'S BEEN MARKED AS EXHIBIT 2.</p> <p>22 COULD YOU DESCRIBE WHAT IT IS?</p> <p>23 A. THIS IS A MAY 7, 2021, DENTON RECORD-CHRONICLE</p> <p>24 ARTICLE ABOUT THE SAME CARROLLTON MAYORAL CANDIDATE</p> <p>25 INDICTED ON VOTER FRAUD CHARGES.</p>	<p style="text-align: right;">Page 28</p> <p>1 RECORD-CHRONICLE IN OCTOBER THAT THIS WAS THE FIRST</p> <p>2 TIME, TO HIS KNOWLEDGE, HIS OFFICE HAD CONTACTED THE</p> <p>3 SHERIFF'S OFFICE REGARDING ANY TYPE OF VOTER FRAUD."</p> <p>4 IS THAT WHAT -- IS THAT STILL AN ACCURATE</p> <p>5 STATEMENT, TO THE BEST OF YOUR KNOWLEDGE?</p> <p>6 A. YES, IT IS.</p> <p>7 Q. OKAY.</p> <p>8 A. HIS DATES ARE WRONG THERE. WELL, NOT THAT IT --</p> <p>9 BUT IF YOU'RE ASKING FOR ACCURACY, HIS DATES ARE WRONG</p> <p>10 ON MY --</p> <p>11 Q. RIGHT.</p> <p>12 A. -- TIME IN DENTON COUNTY.</p> <p>13 Q. RIGHT. THE FOLLOWING SENTENCE HAS THE WRONG</p> <p>14 DATES --</p> <p>15 A. YES.</p> <p>16 Q. -- ABOUT YOUR -- WHEN YOU SERVED AS THE ELECTIONS</p> <p>17 ADMINISTRATOR IN DENTON.</p> <p>18 A. CORRECT.</p> <p>19 Q. AND YOU SAID YOUR BREAK WAS FROM 2014 TO 2016.</p> <p>20 A. EXACTLY.</p> <p>21 Q. YEAH. SO THIS HAD -- SO THAT STATEMENT IS</p> <p>22 TALKING ABOUT UP UNTIL OCTOBER 2020.</p> <p>23 DID YOUR OFFICE CONTACT ANY LAW ENFORCEMENT</p> <p>24 AGENCY REGARDING A POTENTIAL CASE OF VOTER FRAUD BETWEEN</p> <p>25 OCTOBER 2020 AND GOING UP TO THE NOVEMBER GENERAL</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. AND DO YOU RECALL GIVING STATEMENTS TO THE DENTON</p> <p>2 RECORD-CHRONICLE FOR THIS ARTICLE?</p> <p>3 A. GENERALLY, YES.</p> <p>4 Q. DO YOU HAVE ANY REASON TO BELIEVE THAT THE</p> <p>5 ARTICLE DOES NOT ACCURATELY REFLECT THE STATEMENTS YOU</p> <p>6 GAVE TO THE DENTON RECORD-CHRONICLE?</p> <p>7 A. I MEAN, IN GENERALITIES I THINK IT'S FINE. I DID</p> <p>8 NOTICE HE USED THE WORD POST OFFICE BOX AGAIN, BUT...</p> <p>9 MS. HUNKER: AND I'M GOING TO OBJECT TO</p> <p>10 FORM. I'M NOT SURE IF YOU MEAN THE FACTS IN THE ARTICLE</p> <p>11 OR HIS QUOTES.</p> <p>12 MS. YUN: HIS STATEMENTS.</p> <p>13 A. WELL, I NOTICE I HAVE NO QUOTES IN HERE. THESE</p> <p>14 ARE GENERAL COMMENTS MADE BY THE -- I THINK HE'S</p> <p>15 PARAPHRASING THE CONVERSATION I HAD. SO I'M NOT QUOTED</p> <p>16 IN THIS ARTICLE.</p> <p>17 Q. (BY MS. YUN) SURE. THAT'S FAIR. SO I WILL JUST</p> <p>18 READ SOME OF THE PARTS --</p> <p>19 A. SURE.</p> <p>20 Q. -- THAT I'M GOING TO ASK YOU ABOUT, AND THEN YOU</p> <p>21 CAN TELL ME WHETHER YOU BELIEVE THAT -- WHETHER YOU</p> <p>22 AGREE WITH THOSE STATEMENTS REFLECTED HERE.</p> <p>23 SO ON PAGE 2 OF THE ARTICLE AFTER THIS BIG BREAK</p> <p>24 IN THE MIDDLE, IT SAYS, "FRANK PHILLIPS, THE DENTON</p> <p>25 COUNTY ELECTIONS ADMINISTRATOR, TOLD THE DENTON</p>	<p style="text-align: right;">Page 29</p> <p>1 ELECTION IN 2022?</p> <p>2 MS. HUNKER: OBJECTION; FORM.</p> <p>3 A. OTHER THAN THIS ONE?</p> <p>4 Q. (BY MS. YUN) OTHER THAN THIS ONE. SINCE THIS</p> <p>5 HAPPENED.</p> <p>6 A. NO.</p> <p>7 Q. SO YOU TESTIFIED EARLIER THAT YOU HAD HELPED WITH</p> <p>8 A SIMILAR CASE IN TARRANT COUNTY.</p> <p>9 COULD YOU TELL US ABOUT THAT?</p> <p>10 A. YES. IT WAS NOT A CASE THAT WE DISCOVERED. IT</p> <p>11 WAS A CASE THAT -- I DON'T KNOW HOW THE AG'S OFFICE WAS</p> <p>12 WORKING IT OR CAME TO WORK IT, BUT THEY BASICALLY ASKED</p> <p>13 US FOR DOCUMENTS.</p> <p>14 Q. AND WHAT KIND OF -- WHAT KIND OF CASE WAS IT?</p> <p>15 WHAT KIND OF --</p> <p>16 MS. HUNKER: SO I'M GOING TO RAISE AN</p> <p>17 OBJECTION ON INVESTIGATIVE PRIVILEGE. TO THE EXTENT</p> <p>18 THIS CASE HAS NOT BEEN RESOLVED, YOU CAN ANSWER THE</p> <p>19 QUESTION. BUT TO KEEP IT TO PUBLIC INFORMATION, GENERAL</p> <p>20 INFORMATION THAT WOULD NOT COMPROMISE THE INTEGRITY OF</p> <p>21 ANY INVESTIGATION OR PROSECUTION THAT'S ONGOING.</p> <p>22 YES, MA'AM.</p> <p>23 A. I DO NOT REMEMBER DETAILS OTHER THAN THEY WERE</p> <p>24 MAIL BALLOT RELATED.</p> <p>25 Q. (BY MS. YUN) OKAY. WAS IT WITNESS-RELATED</p>

Frank Phillips

March 31, 2023

Pages 38 to 41

<p style="text-align: right;">Page 38</p> <p>1 A. I BELIEVE SO.</p> <p>2 Q. YEAH.</p> <p>3 A. I DON'T REMEMBER THE EXACT DATE.</p> <p>4 Q. OKAY. YEAH.</p> <p>5 A. I BELIEVE THAT'S CORRECT.</p> <p>6 Q. I WILL JUST -- I CAN ALSO REFRESH YOUR MEMORY ON</p> <p>7 THE FIRST EXHIBIT WE LOOKED AT, WHICH QUOTED YOU ABOUT</p> <p>8 THE CARROLLTON CASE.</p> <p>9 A. UH-HUH.</p> <p>10 Q. WAS OCTOBER 2020, IS WHEN YOU --</p> <p>11 A. OKAY.</p> <p>12 Q. -- SPOKE.</p> <p>13 A. YEAH.</p> <p>14 Q. OKAY. I'M SORRY. THAT IS --</p> <p>15 A. WELL, THAT WOULD BE ACCURATE.</p> <p>16 Q. YEAH.</p> <p>17 A. I STILL THINK IT'S ACCURATE.</p> <p>18 Q. OKAY.</p> <p>19 A. YEAH.</p> <p>20 Q. AND SO YOU STILL BELIEVE THAT STATEMENT TO BE</p> <p>21 ACCURATE THAT IT'S A VERY SMALL FRACTION?</p> <p>22 A. ABSOLUTELY.</p> <p>23 Q. OKAY. YOU CAN SET THAT ONE ASIDE.</p> <p>24 OKAY. WE'RE GOING TO TURN TO SB 1, SB 1'S MAIL</p> <p>25 VOTING REQUIREMENTS TO BE EXACT.</p>	<p style="text-align: right;">Page 40</p> <p>1 OFFICE?</p> <p>2 A. NOTHING.</p> <p>3 Q. OKAY.</p> <p>4 A. I NEVER GOT A REPLY.</p> <p>5 Q. UNDERSTOOD.</p> <p>6 OKAY. SO WHEN I SAY -- I'M GOING TO REFER TO</p> <p>7 SB 1'S ID NUMBER REQUIREMENTS FREQUENTLY GOING FORWARD.</p> <p>8 A. OKAY.</p> <p>9 Q. AND I'M REFERRING TO THE REQUIREMENT THAT EVERY</p> <p>10 VOTER HAS TO PUT AN ID NUMBER, EITHER THEIR LAST FOUR</p> <p>11 DIGITS OF THEIR SOCIAL OR THEIR TEXAS ID NUMBER OR CHECK</p> <p>12 THE BOX THAT THEY DON'T HAVE EITHER --</p> <p>13 A. CORRECT.</p> <p>14 Q. -- WHEN THEY'RE SENDING IN THEIR APPLICATION FOR</p> <p>15 BALLOT BY MAIL OR THEIR MAIL BALLOTS?</p> <p>16 IS THAT CLEAR?</p> <p>17 A. YES.</p> <p>18 Q. OKAY. AND WHEN I SAY ABBM, I'M REFERRING TO THE</p> <p>19 APPLICATION.</p> <p>20 A. APPLICATION FOR BALLOT BY MAIL, YES.</p> <p>21 Q. YES. YEAH. JUST SO THAT THE RECORD IS CLEAR.</p> <p>22 DO YOU BELIEVE THAT SB 1'S ID NUMBER REQUIREMENTS</p> <p>23 FOR MAIL VOTING ARE NECESSARY TO PREVENT MAIL VOTER</p> <p>24 IMPERSONATION?</p> <p>25 MS. HUNKER: OBJECTION; FORM.</p>
<p style="text-align: right;">Page 39</p> <p>1 SO I THINK YOU ALREADY ANSWERED THIS QUESTION,</p> <p>2 BUT JUST TO MAKE SURE, SINCE SB 1 WAS IMPLEMENTED, SO</p> <p>3 DECEMBER OF 2021, YOUR OFFICE HAS NEVER REFERRED -- I</p> <p>4 BELIEVE YOU TESTIFIED -- AND PLEASE CORRECT ME IF I'M</p> <p>5 WRONG -- THAT YOUR OFFICE HAS NEVER REFERRED ANY VOTER</p> <p>6 AS A POTENTIAL CASE OF MAIL VOTER IMPERSONATION SINCE</p> <p>7 THIS CARROLLTON CASE HAPPENED; IS THAT RIGHT?</p> <p>8 A. THAT'S CORRECT.</p> <p>9 Q. OKAY. SO IT IS FAIR TO SAY THAT NO ONE WAS EVER</p> <p>10 REFERRED TO LAW ENFORCEMENT AS A POTENTIAL CASE OF VOTER</p> <p>11 FRAUD BASED ON ANY SB 1 MAIL VOTING REQUIREMENTS.</p> <p>12 MS. HUNKER: OBJECTION; FORM.</p> <p>13 A. THAT'S FAIR TO SAY FOR DENTON COUNTY, YES.</p> <p>14 Q. (BY MS. YUN) ARE YOU AWARE OF ANY OTHER COUNTY</p> <p>15 THAT -- WHERE THAT MAY HAVE HAPPENED?</p> <p>16 A. I AM NOT.</p> <p>17 Q. AND WOULD IT -- IS IT FAIR TO SAY THAT IF YOU</p> <p>18 DETECTED ANY MAIL VOTER IMPERSONATION, YOU WOULD REFER</p> <p>19 THAT CASE TO A LAW ENFORCEMENT AGENCY?</p> <p>20 A. YES.</p> <p>21 Q. JUST GOING BACK, I JUST REMEMBERED THAT YOU SAID</p> <p>22 THAT WITH THE CARROLLTON CASE, YOU E-MAILED THE</p> <p>23 SECRETARY OF STATE'S OFFICE, AS WELL AS CALLED THE</p> <p>24 SHERIFF'S OFFICE.</p> <p>25 WHAT HAPPENED WITH THE SECRETARY OF STATE'S</p>	<p style="text-align: right;">Page 41</p> <p>1 A. TO YOUR EXACT QUESTION, THE ANSWER WILL BE NO.</p> <p>2 Q. (BY MS. YUN) AND WHY IS THAT?</p> <p>3 A. WELL, I MEAN, I THINK WE'VE DONE A DECENT JOB IN</p> <p>4 THE PAST WITHOUT THOSE REQUIREMENTS, BUT THAT DOESN'T</p> <p>5 MEAN THESE REQUIREMENTS DON'T ADD ANOTHER LAYER OF</p> <p>6 SECURITY. SO WE'VE PROVEN WE CAN DO IT WITHOUT IT,</p> <p>7 BUT -- SO, I MEAN, THAT'S WHAT I BASE THAT OUT OF.</p> <p>8 WE'VE DONE IT BEFORE WITHOUT IT.</p> <p>9 Q. UH-HUH. THAT'S FAIR.</p> <p>10 DO YOU BELIEVE THAT SB 1'S ID REQUIREMENTS ARE</p> <p>11 NECESSARY TO PREVENT ANY OTHER TYPES OF ELECTION CRIMES?</p> <p>12 A. OKAY. WHEN YOU SAY SB 1 REQUIREMENTS, WHAT SB 1</p> <p>13 REQUIREMENTS ARE YOU SPEAKING OF?</p> <p>14 Q. THE ID NUMBER.</p> <p>15 A. THE ID NUMBERS?</p> <p>16 MS. HUNKER: SAME OBJECTION.</p> <p>17 A. YEAH. OFF THE TOP OF MY HEAD, I CAN'T THINK OF</p> <p>18 ANY OTHER ELECTION CRIME THAT IT WOULD PREVENT.</p> <p>19 Q. (BY MS. YUN) OKAY. SO TALKING ABOUT THE --</p> <p>20 MOVING AWAY FROM ANY ELECTION CRIMES OR REFERRALS TO LAW</p> <p>21 ENFORCEMENT, I THINK WE'VE -- I SORT OF PARAPHRASED IT</p> <p>22 EARLIER.</p> <p>23 BUT, IN YOUR OWN WORDS, WHAT IS YOUR</p> <p>24 UNDERSTANDING OF SB 1'S ID NUMBER REQUIREMENTS FOR MAIL</p> <p>25 VOTING?</p>

Frank Phillips

March 31, 2023
Pages 118 to 119

Page 118

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION
4 LA UNIÓN DEL PUEBLO \$
5 ENTERO, ET AL., \$
6 PLAINTIFFS, \$
7 V. \$ CIVIL ACTION NO.5:21-CV-844 (XR)
8 \$ (CONSOLIDATED CASES)
9 STATE OF TEXAS, ET \$
10 AL., \$
11 DEFENDANTS. \$
12
13 REPORTER'S CERTIFICATION
14 ORAL DEPOSITION OF
15 FRANK PHILLIPS
16 MARCH 31, 2023
17
18 I, KAREN GONZALEZ, A NOTARY IN AND FOR THE STATE OF
19 TEXAS, HEREBY CERTIFY TO THE FOLLOWING:
20 THAT THE WITNESS, FRANK PHILLIPS, WAS DULY SWORN BY
21 THE OFFICER AND THAT THE TRANSCRIPT OF THE ORAL
22 DEPOSITION IS A TRUE RECORD OF THE TESTIMONY GIVEN BY
23 THE WITNESS;
24 THAT A COPY OF THE CERTIFICATE WAS SERVED ON ALL
25 PARTIES AND/OR THE WITNESS SHOWN HEREIN ON
_____.
I FURTHER CERTIFY THAT PURSUANT TO FRCP RULE
30(F)(1) THAT THE SIGNATURE OF THE DEPONENT:
X WAS REQUESTED BY THE DEPONENT OR A PARTY BEFORE
THE COMPLETION OF THE DEPOSITION AND THAT SIGNATURE IS

Page 119

1 TO BE BEFORE ANY NOTARY PUBLIC AND RETURNED WITHIN 30
2 DAYS FROM DATE OF RECEIPT OF THE TRANSCRIPT. IF
3 RETURNED, THE ATTACHED CHANGES AND SIGNATURE PAGE
4 CONTAINS ANY CHANGES AND THE REASONS THEREFOR;
5 WAS NOT REQUESTED BY THE DEPONENT OR A
6 PARTY BEFORE THE COMPLETION OF THE DEPOSITION.
7 I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR,
8 RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES OR
9 ATTORNEYS IN THE ACTION IN WHICH THIS PROCEEDING WAS
10 TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY OR
11 OTHERWISE INTERESTED IN THE OUTCOME OF THE ACTION.
12 CERTIFIED TO BY ME THIS 26TH DAY OF APRIL, 2023.
13
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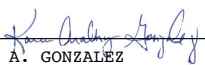

 KAREN A. GONZALEZ
 NOTARY IN AND FOR THE
 STATE OF TEXAS
 NOTARY: 132644762
 MY COMMISSION EXPIRES:
 AUGUST 26, 2024
 MAGNA LEGAL SERVICES
 866-624-6221
 WWW.MAGNALS.COM

Exhibit 4

Bob Kafka

April 07, 2022

1	IN THE UNITED STATES DISTRICT COURT		
2	WESTERN DISTRICT OF TEXAS		
	SAN ANTONIO DIVISION		
3	LA UNION DEL PUEBLO ENTERO,)	
	et al,)	
4	Plaintiffs,)	
)	
5	v.	)	Case No. 5:21-cv-844-XR
)	
6	GREGORY W. ABBOTT, et al.,)	
	Defendants.)	
7	<hr/>		
8	OCA-GREATER HOUSTON, et al.,)	
	Plaintiffs,)	
)	
9	v.	)	Case No. 1:21-cv-780-XR
)	
10	JOHN SCOTT, et al.,)	
	Defendants.)	
11	<hr/>		
12	HOUSTON JUSTICE, et al.,)	
	Plaintiffs,)	
)	
13	v.	)	Case No. 5:21-cv-848-XR
)	
14	GREGORY WAYNE ABBOTT, et al.,)	
	Defendants.)	
15	<hr/>		
16	LULAC TEXAS, et al.,)	
	Plaintiffs,)	
)	
17	v.	)	Case No. 1:21-cv-0786-XR
)	
18	JOHN SCOTT, et al.,)	
19	Defendants.)	
20	<hr/>		
21	MI FAMILIA VOTA, et al.,)	
	Plaintiffs,)	
)	
22	v.	)	Case No. 5:21-cv-0920-XR
)	
23	GREG ABBOTT, et al.,)	
	Defendants.)	
24	<hr/>		
25			

Bob Kafka

April 07, 2022

Page 2

1 UNITED STATES OF AMERICA,)
Plaintiff,)
2)
v.) Case No. 5:21-cv-1085-XR
3)
THE STATE OF TEXAS, ET AL.,)
4 Defendants)

5
6
7
8 * * * * *

9 VIDEOTAPED ORAL DEPOSITION OF

10 BOB KAFKA

11 April 7, 2022

12 * * * * *

13
14
15 VIDEOTAPED ORAL DEPOSITION OF BOB KAFKA, produced as
16 a witness at the instance of the Office of the Attorney
17 General, and duly sworn, was taken in the above-styled and
18 numbered cause on the 7th day of April, 2022, from 10:12 a.m to
19 4:25 p.m., before Dottie Norman, Certified Shorthand Reporter
20 in and for the State of Texas, reported by machine shorthand,
21 at the Offices of Disability Rights Texas, 2222 W. Braker Lane,
22 Austin, Texas, pursuant to the Federal Rule of Civil Procedure
23 30(b)(6) and the provisions stated on the record.
24
25

Bob Kafka

April 07, 2022

Page 3

A P P E A R A N C E S

FOR DISABILITY RIGHTS TEXAS:

By: LIA SIFUENTES DAVIS

-and-

LUCIA ROMANO

2222 W. Braker Lane

Austin, Texas 78758

512.454.4816

FOR ACLU FOUNDATION OF TEXAS, INC.:

By: THOMAS BUSER-CLANCY

-and-

SAVANNAH KUMAR (Present from 1:30 p.m. - 4:25 p.m.)

5225 Katy Freeway, Suite 350

Houston, Texas 77007

713.942.8146

FOR THE OFFICE OF THE ATTORNEY GENERAL:

By: ERIC A. HUDSON, Senior Special Counsel

-and-

KATHLEEN HUNKER (Via Zoom)

P.O. Box 12548 (MC-009)

Austin, Texas 78711-2548

512.463.2100

FOR THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE:

By: LISA V. CUBRIEL

101 W. Nueva, 7th Floor

San Antonio, Texas 78205

210.335.2311

(Via Zoom)

ALSO PRESENT:

Manuel Martin, Videographer

Michael Stewart: United States of America (via Zoom)

Shira Wakschlag: HAUL Plaintiffs (via Zoom)

Anthony Nelson: Travis County Defendants (via Zoom)

Courtney Hostetler: Mi Familia Vota (via Zoom)

Leigh Tognetti (via Zoom)

Sam Fishman (via Zoom)

Nick Adkins (via Zoom)

Julia Longoria (via Zoom)

Bob Kafka

April 07, 2022

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Reporter's Certificate	162

Bob Kafka

April 07, 2022
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EXHIBITS

NUMBER	DESCRIPTION	PAGE
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Defendants' 2	Plaintiffs' Second Amended Complaint	39
Defendants' 3	Senate Bill 1	39
Defendants' 4	Witness List August 9, 2021	47
Defendants' 5	Caller Times News Article 6-14-18	56
Defendants' 6	House Journal April 23, 2007	148
Defendants' 7	Indictment - Marlana Rosanne Jackson	151

Bob Kafka

April 07, 2022

Page 6

1 THE VIDEOGRAPHER: We are now on the record.
2 This begins Videotape No. 1 in the deposition of Bob Kafka.
3 Today is April 7th, 2022, and the time is 10:12 a.m.

4 Will counsel and all parties present state their
5 appearance and who they represent?

6 MS. DAVIS: Lia Sifuentes Davis for Disability
7 Rights Texas representing REVUP.

8 MR. BUSER-CLANCY: Thomas Buser-Clancy with the
9 ACLU of Texas representing REVUP in the deposition.

10 MS. ROMANO: Lucia Romano, Disability Rights
11 Texas representing REVUP.

12 MR. HUDSON: Eric Hudson on behalf of the State
13 defendants by way of the Office of the Attorney General.

14 I'd also note for the record that we have
15 several participants via the Zoom feature which is being used
16 to simulcast this deposition virtually. It's my understanding
17 that no cross-notices have been filed. That said, we have
18 asked the videographer to send through the Chat function of
19 Zoom a request for all parties who are appearing at today's
20 deposition via Zoom to submit their names and information so
21 that they can be included as having appeared at the deposition
22 today.

23 BOB KAFKA,
24 having been first duly sworn, testified as follows:

25 EXAMINATION

Bob Kafka

April 07, 2022

Page 125

1 THE VIDEOGRAPHER: We are back on the record at
2 2:49.

3 Q. (By Mr. Hudson) I want to finish touching on Counts
4 5 and 6 real quick, so that's pages 61 through 65 of
5 Defendants' 2. Again, those are the Title II and
6 Rehabilitation Act claims as pertaining to 6.04 and 6.06,
7 right?

8 A. Okay.

9 Q. And I do want to go back and ask. We talked about
10 the Title II Count 2 and Rehab Act Count 3, and we talked about
11 Sections 5, right?

12 A. (Nod).

13 Q. Now, I'll represent to you I have got a copy of your
14 amended responses in front of me. And in addition to the
15 counts that are included in your live complaint, it adds some
16 -- some sections. And I want to put those on the record, too.
17 We have Sections 5.02, 5.03, 5.06, 5.07, 5.08, 5.10, 5.12, 5.13
18 and 5.14 of Senate Bill 1 which is Defendants' 3. Do you have
19 any reason to dispute that?

20 A. No.

21 Q. Now, those sections of Section 5 of Senate Bill 1
22 are challenged through Counts 2 and 3, right?

23 A. Right.

24 Q. Counts 6.04 and Section 6.0 -- or Section 6.04 and
25 6.06 are challenged by Counts 5 and 6 in your complaint, right?

Bob Kafka

April 07, 2022

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1 I, BOB KAFKA, have read the foregoing deposition and
2 hereby affix my signature that same is true and correct, except
3 as noted above.

4 _____
5 STATE OF TEXAS)

6 COUNTY OF TRAVIS)
7

8 Before me _____ on this day
9 personally appeared BOB KAFKA, known to me or proved to me
10 under oath or through _____ (description of
11 identity card or other document) to be the person whose name is
12 subscribed to the foregoing instrument and acknowledged to me
13 that they executed the same for the purposes and consideration
14 therein expressed.

15 Given under my hand and seal of office this _____
16 day of _____, 2022.

17
18
19
20 _____
21 NOTARY PUBLIC IN AND FOR
22 THE STATE OF TEXAS
23
24
25

Bob Kafka

April 07, 2022

Page 162

1	IN THE UNITED STATES DISTRICT COURT		
2	WESTERN DISTRICT OF TEXAS		
	SAN ANTONIO DIVISION		
3	LA UNION DEL PUEBLO ENTERO,)	
	et al,)	
4	Plaintiffs,)	
)	
5	v.	)	Case No. 5:21-cv-844-XR
)	
6	GREGORY W. ABBOTT, et al.,)	
	Defendants.)	
7	<hr/>		
8	OCA-GREATER HOUSTON, et al.,)	
	Plaintiffs,)	
)	
9	v.	)	Case No. 1:21-cv-780-XR
)	
10	JOHN SCOTT, et al.,)	
	Defendants.)	
11	<hr/>		
12	HOUSTON JUSTICE, et al.,)	
	Plaintiffs,)	
)	
13	v.	)	Case No. 5:21-cv-848-XR
)	
14	GREGORY WAYNE ABBOTT, et al.,)	
	Defendants.)	
15	<hr/>		
16	LULAC TEXAS, et al.,)	
	Plaintiffs,)	
)	
17	v.)	
		)	Case No. 1:21-cv-0786-XR
18)	
19	JOHN SCOTT, et al.,)	
	Defendants.)	
20	<hr/>		
21	MI FAMILIA VOTA, et al.,)	
	Plaintiffs,)	
)	
22	v.	)	Case No. 5:21-cv-0920-XR
)	
23	GREG ABBOTT, et al.,)	
	Defendants.)	
24	<hr/>		
25			

Bob Kafka

April 07, 2022

Page 163

1 UNITED STATES OF AMERICA,)
 Plaintiff,)
 2)
 v.) Case No. 5:21-cv-1085-XR
 3)
 THE STATE OF TEXAS, ET AL.,)
 4 Defendants)

5 REPORTER'S CERTIFICATION
 6 VIDEOTAPED ORAL DEPOSITION OF
 BOB KAFKA
 7 April 7, 2022

8 I, DOTTIE NORMAN, Certified Shorthand Reporter
 9 in and for the State of Texas, hereby certify to the following:

10 That the witness, BOB KAFKA, was duly sworn by
 11 the officer and that the transcript of the oral deposition is a
 12 true record of the testimony given by the witness;

13 I further certify that pursuant to FRCP Rule
 14 30(f)(1) that the signature of the deponent:

15 X was requested by the deponent or a party
 16 before completion of the deposition and returned within 30 days
 17 from date of receipt of the transcript. If returned, the
 18 attached Changes and Signature Page contains any changes and
 19 the reasons therefor;

20 _____ was not requested by the deponent or a
 21 party before the completion of the deposition.

22 I further certify that I am neither attorney nor
 23 counsel for, related to, nor employed by any of the parties to
 24 the action in which this testimony was taken. Further, I am
 25 not a relative or employee of any attorney of record in this

Bob Kafka

April 07, 2022
Page 164

1 cause, nor am I financially or otherwise interested in the
2 outcome of the action.

3 Subscribed and sworn to on this the _____ day
4 of _____, 2022.

5 
6
7

8 DOTTIE NORMAN, Texas CSR 2283
9 Expiration Date: 8/31/2023
Magna Legal Services
Firm Registration No. 633
10 16414 San Pedro, Suite 900
San Antonio, Texas 78232
11 866.672.7880
12
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25

Exhibit 5

Deborah Chen

March 28, 2022

1	IN THE UNITED STATES DISTRICT COURT		
2	WESTERN DISTRICT OF TEXAS		
3	SAN ANTONIO DIVISION		
4	LA UNIÓN DEL PUEBLO	\$	Case No.
5	ENTERO, et al.,	\$	5:21-cv-844-XR
6	Plaintiffs,	\$	
7	v.	\$	
8	GREGORY W. ABBOTT, et	\$	
9	al.,	\$	
10	Defendants.	\$	
11		\$	
12	OCA-GREATER HOUSTON, et	\$	Case No.
13	al.,	\$	1:21-cv-780-XR
14	Plaintiffs,	\$	
15	v.	\$	
16	JOHN SCOTT, et al.,	\$	
17	Defendants.	\$	
18		\$	
19		\$	
20	HOUSTON JUSTICE, et al.,	\$	Case No.
21	Plaintiffs,	\$	5:21-cv-848-XR
22	v.	\$	
23	GREGORY WAYNE ABBOTT, et	\$	
24	al.,	\$	
25	Defendants.	\$	
		\$	
		\$	
	LULAC TEXAS, et al.,	\$	Case No.
	Plaintiffs,	\$	1:21-cv-0786-XR
	v.	\$	
	JOHN SCOTT, et al.,	\$	
	Defendants.	\$	
		\$	
		\$	
	MI FAMILIA VOTA, et al.,	\$	Case No.

Deborah Chen

March 28, 2022

Page 2

1	Plaintiffs,	\$	5:21-cv-0920-XR
		\$	
2	v.	\$	
		\$	
3	GREG ABBOTT, et al.,	\$	
	Defendants.	\$	
4		\$	
		\$	
5		\$	
	UNITED STATES OF AMERICA,	\$	Case No.
6	Plaintiff,	\$	5:21-cv-1085-XR
		\$	
7	v.	\$	
		\$	
8	THE STATE OF TEXAS, et	\$	
	al.,	\$	
9	Defendants.		

ORAL AND VIDEOTAPED DEPOSITION OF
DEBORAH CHEN
MARCH 28, 2022

ORAL AND VIDEOTAPED DEPOSITION OF DEBORAH CHEN,
produced as a witness at the instance of the Defendants
and duly sworn, was taken in the above styled and
numbered cause on Monday, March 28, 2022, from
10:31 a.m. to 7:24 p.m., before DONNA QUALLS, Notary
Public in and for the State of Texas, reported by
computerized stenotype machine, at the offices of the
Houston Chinese Community Center, 9800 Town Park Drive,
Houston, Texas, pursuant to the Federal Rules of Civil
Procedure, and any provisions stated on the record or
attached hereto.

Deborah Chen

March 28, 2022

Page 3

A P P E A R A N C E S

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Deborah Chen

March 28, 2022

Page 4

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2 OFFICE:

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9 Also Present (Remotely):

10 Georgina Yeomans (LDF)
11 Jason S. Kanterman
12 Jon Bash
13 Lia Sifuentes Davis
14 Leigh Tognetti
15 Kevin Zhen (FF)
16 Jennifer Yun (DOJ)
17 Julia Longoria
18 Savannah Kumar
19 Ari Herbert
20 Wendy Olson
21 Tiffany Bingham
22 Jerry Vattamala - AALDEF
23 Tony Nelson - Travis County
24 Josephine Ramirez
25 Ciara Sisco - NAACP LDF
Katelynn Lujan, KTA Videographer
Kamesha Archie, KTA Videographer (In person)

Deborah Chen

March 28, 2022

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Deborah Chen

March 28, 2022

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1 THE REPORTER: We are on the record.
2 Today's date is Monday, March 28, 2022. The time is
3 10:31 a.m. This is the oral and videotaped deposition
4 of Deborah Chen, and it is being conducted in person and
5 remotely by agreement of the parties.

6 My name is Donna Qualls with Kim Tindall &
7 Associates. I am the court reporter. I will be
8 administering the oath and reporting the deposition
9 remotely by stenographic means.

10 Would counsels please state their name and
11 appearance for the record.

12 MS. HUNKER: Kathleen Hunker from the
13 State. I am accompanied by my cocounsel, Aristotle
14 Herbert, who is participating remotely.

15 MS. GIGUERE: For OCA-GH, this is Susanna
16 Lorenzo-Giguere from the Asian American Legal Defense
17 and Education Fund.

18 MR. DOLLING: I'm Zach Dolling for
19 OCA-Greater Houston, and I am with the Texas Civil
20 Rights Project.

21 MR. MIRZA: For OCA-Greater Houston, my
22 name is Hani Mirza. I'm with the Texas Civil Rights
23 Project.

24 THE REPORTER: Did anybody else online want
25 to introduce themselves?

Deborah Chen

March 28, 2022

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1 DEBORAH CHEN,
2 having been duly sworn, testified as follows:

3 EXAMINATION

4 BY MS. HUNKER:

5 Q. Good morning, Ms. Chen.

6 A. Good morning.

7 Q. How are you today?

8 A. Good.

9 Q. As I stated just earlier, my name is Kathleen
10 Hunker. I'm the attorney representing the state
11 defendants in this matter.

12 Before we start the deposition, I just want
13 to get one housekeeping matter to the side. And that
14 is, your counsel, OCA-Greater Houston, has agreed to
15 keep the deposition open for a limited purpose, if
16 OCA-Greater Houston identifies and discloses a member
17 who is harmed after or -- the date of this deposition.
18 If you can just --

19 MS. HUNKER: If your cocounsel can just
20 state if that was the -- their understanding of the
21 agreement as well?

22 MS. GIGUERE: Yes. That is the sole
23 purpose for this agreement, just for that reason.

24 MS. HUNKER: Yes.

25 And in exchange, we amended Deposition

1 that this does not answer is, if somebody is requesting
2 a mail-in ballot, that implies that they are a senior or
3 they're disabled or ill or they're out of state. And if
4 this requires them to go in person to correct something,
5 how -- how would they do that?

6 Q. (BY MS. HUNKER) We're going to be talking a
7 little bit later about the online cure. But we'll get
8 to that in a bit.

9 So you've not done any analysis to
10 determine whether or not the cure mechanism would be
11 sufficient or un- -- or insufficient. This is just
12 based on your speculation?

13 MR. DOLLING: Objection; calls for a legal
14 conclusion.

15 A. This is based on the direct words, just the
16 reading of how it's written.

17 Q. (BY MS. HUNKER) Okay.

18 A. It's not -- well, it's -- it's just overly
19 broad. It's not clear.

20 Q. So it's based on the text?

21 A. Yes.

22 Q. Okay. And let's move to Section 5.08. And
23 this starts on the next page, page 39, line 11.

24 And take a few moments to read it and
25 please let me know when you are done.

Deborah Chen

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1 A. Yes.

2 Q. And so this provision does not regulate
3 OCA-Greater Houston directly, correct?

4 MR. DOLLING: Objection; calls for a legal
5 conclusion.

6 A. I don't believe it does.

7 Q. (BY MS. HUNKER) Okay. The section instead
8 talks about the space in the carrier envelope where the
9 information -- namely, the voter's driver's license,
10 identification certificate, personal identification
11 card, or a social security number or a statement by the
12 applicant they haven't been issued one of these
13 numbers -- would be provided.

14 Is that an accurate summation of this
15 section?

16 A. Yes.

17 Q. And what is the specific harm that is suffered
18 by OCA-Greater Houston? Is it the same as was described
19 above in regards to education?

20 MR. DOLLING: Objection; calls for a legal
21 conclusion.

22 You can answer.

23 A. The specific harm is similar to other sections
24 in regards to education and assistance for potential
25 voters.

1 Q. (BY MS. HUNKER) And the same -- it would be
2 the same programs and activities that were curtailed or
3 unable to be held, is that correct, as a result of
4 Section 5.08?

5 A. Yes. And the information that we may need to
6 create to -- to be able to explain this although I'm --
7 I'm not sure if we're able to actually explain this to
8 people.

9 Q. All right. And you haven't segregated the
10 specific harm in that you don't know the exact amount or
11 allocation of resources that were a result of
12 Section .508 [sic] as compared to other provisions of
13 SB 1?

14 A. No, I have not sat to calculate out
15 specifically for this particular section.

16 Q. And have you segregated that amount from any
17 of -- other changes in election law that came this past
18 year?

19 A. I have not sat down to calculate out the
20 specific, you know, dollar amount by provision.

21 Q. Okay.

22 A. For each section, no.

23 Q. And same with manpower, correct?

24 A. Correct.

25 Q. And you can't identify a specific individual

Deborah Chen

March 28, 2022

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1 you believe would have as a result of 5.13 be similar to
2 the harms that you described with the other subsections?

3 A. Similar only in the sense that this potentially
4 could prevent somebody's vote from counting or being
5 able to vote.

6 Q. But you're not aware of anybody, as you sit
7 here, that was denied?

8 A. Correct.

9 Q. Moving on to Subsection -- sorry -- 5 --
10 Section 5.14 which is "Opportunity to correct defect:
11 Early voting ballot board." It is similar to the one
12 regarding the signature verification committee, however,
13 just focused on the early voting ballot board.

14 It's a relatively long section. Let me
15 know when you've got a decent sense of it, and we can
16 continue.

17 A. Thank you.

18 Okay.

19 Q. Okay. So I'm not going to summarize since
20 it's -- would you agree with me that it's similar to the
21 one for the signature verification committee but
22 directed towards the early voting ballot board?

23 A. Yes.

24 Q. Okay. This is, again, not regulating
25 OCA-Greater Houston directly, correct?

Deborah Chen

March 28, 2022
Page 200

1 MR. DOLLING: Objection; calls for a legal
2 conclusion.

3 You can answer.

4 A. I believe so.

5 Q. (BY MS. HUNKER) And would -- is the harm the
6 same as it was for Section 5.12, the signature
7 verification committee, which is the education component
8 that OCA-Greater Houston would have to incur?

9 A. Education and assistance, yes.

10 Q. Education and assistance.

11 And as with the other sections, you haven't
12 segregated the specific harm that was a result of this
13 section as compared to the other sections, correct?

14 A. Correct.

15 Q. And that's true of both manpower and monetary
16 resources, correct?

17 A. Correct.

18 Q. And is the harm suffered -- alleged to be
19 suffered on voters the same with Section 5.14 as it is
20 for Section 5.12?

21 MR. DOLLING: Objection; calls for a legal
22 conclusion.

23 You can answer.

24 A. I don't know if it would be the same because
25 it's different bodies. And, like, Section -- or

Deborah Chen

March 28, 2022
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1 COUNTY OF HARRIS)

2 STATE OF TEXAS)

3

4

REPORTER'S CERTIFICATION

5

6 I, Donna Qualls, Notary Public in and for the State
7 of Texas, hereby certify that this transcript is a true
8 record of the testimony given and that the witness was
9 duly sworn by the notary.

10 I further certify that I am neither attorney nor
11 counsel for, related to, nor employed by any of the
12 parties to the action in which this testimony was taken.

13 Further, I am not a relative or employee of any
14 attorney of record in this cause, nor do I have a
15 financial interest in the action.

16 Subscribed and sworn to on this the 11th day of
17 April, 2022.

18

19

20


21

22

23

24

25



DONNA QUALLS
Notary Public in and for
The State of Texas
My Commission expires 11/02/2022

Magna Legal Services
Firm Registration No. 633
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San Antonio, Texas 78232
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Exhibit 6

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,
Plaintiffs,

 \mathbf{V}_i

GREGORY W. ABBOTT, *et al.*,
Defendants.

§ § § § §

Case No. 5:21-cv-844-XR
[Lead Case]

UNITED STATES OF AMERICA,
Plaintiff,

$$\mathbf{V}_i$$

THE STATE OF TEXAS, ET AL.,
Defendants

Case No. 5:21-cv-1085-XR
[Consolidated Case]

STATE DEFENDANTS' SUPPLEMENTAL OBJECTIONS AND RESPONSES
TO THE UNITED STATES' SECOND SET OF INTERROGATORIES

TO: Plaintiff the United States of America, by and through their attorneys of record, Michael E. Stewart, Daniel J. Freeman, Richard Alan Dellheim, Dana Paikowsky, and Jennifer Yun, United States Department of Justice Civil Rights Division, 950 Pennsylvania Avenue NW, Washington, DC 20530

Jane Nelson, in her official capacity as the Texas Secretary of State, and the State of Texas (collectively “State Defendants”¹) hereby serve their Supplemental Objections and Responses to the United States’ Second Set of Requests for Interrogatories, pursuant to the Federal Rules of Civil Procedure. Because present circumstances prevent State Defendants from signing these responses, State Defendants’ counsel will serve properly executed interrogatory answers on the requesting party not later than 21 days after serving these unexecuted answers. *See* W.D. Tex. Local Rule CV-33(a).

¹ All previous references to “Defendants” have been changed to “State Defendants” for the sake of clarity.

Date: January 19, 2023

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

WILLIAM T. THOMPSON
Acting Chief, Special Litigation Unit
Tex. State Bar No. 24088531

/s/ Kathleen T. Hunker
KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415

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Counsel for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2023, the attached State Defendants' Supplemental Objections and Responses to the United States' Second Request of Interrogatories was served on opposing counsel via electronic mail.

/s/ Kathleen T. Hunker
KATHLEEN T. HUNKER
Special Counsel

GENERAL OBJECTIONS

Under Rule 26(b)(1), the proper scope of discovery is limited to “any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1) (2015). Among the considerations that are germane to that inquiry are “the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Id.* The twin demands for relevancy and proportionality “are related but distinct requirements.” *Samsung Electronics Am., Inc. v. Chung*, 321 F.R.D. 250, 279 (N.D. Tex. 2017). Thus, if the information sought is irrelevant to the party’s claims or defenses, “it is not necessary to determine whether it would be proportional if it *were* relevant.” *Walker v. Pioneer Prod. Servs., Inc.*, No. CV 15-0645, 2016 WL 1244510, at *3 (E.D. La. Mar. 30, 2016). Conversely, “relevance alone does not translate into automatic discoverability” because “[a]n assessment of proportionality is essential.” *Motorola Sols., Inc. v. Hytera Commc’ns Corp.*, 365 F. Supp. 3d 916, 924 (N.D. Ill. 2019). Accordingly, State Defendants object to these requests to the extent that the information sought is either irrelevant or disproportionate.

State Defendants object to the definition of “conviction” or “convicted” as vague, overbroad, and ambiguous. Specifically, the term “an admission or finding of guilt” is subject to different interpretations. State Defendants understand the term to include pleas of guilt, stipulations of guilt, and acknowledgments of the offense. Therefore, State Defendants understand the terms “conviction” and “convicted” not to pertain to cases in which a defendant or suspect pleaded nolo contendere or no contest, or to cases in which a defendant otherwise reached an outcome that—though not a conviction by a judge or jury in a court of law—nonetheless involved violation of Texas Law.

State Defendants also object to the definition of “impermissible in-person voter assistance” as vague and ambiguous. Specifically, it is defined as “the acts of influencing or coercing a voter in the presence of their ballot”; yet Interrogatory No. 4 seeks instances of “impermissible in-person voter assistance” that occurred “by influencing or coercing a voter in the presence of their ballot.” Therefore, this definition is tautological, and its meaning is not discernible. For this reason, State Defendants interpret the term “impermissible in-person voter assistance” to mean any in-person voter assistance that is not permissible.

Finally, State Defendants object to the definition of “voting by impersonation” as vague and ambiguous. The definition uses the term “vote harvesting,” which is not defined. Therefore, State Defendants adopt the meaning of “vote harvesting” that State Defendants have otherwise used in the course of this litigation. Furthermore, the definition of “voting by impersonation” includes “improperly returning a ballot on behalf of another,” which is a broad, sweeping, and undefined category of conduct. For this reason, the term “voting by impersonation” is vague and ambiguous because it is not limited in scope. Hence, State Defendants interpret the term “voting by impersonation” as those instances in which someone illegally votes as or on behalf of someone who is eligible to vote that does not constitute vote harvesting.

These answers and objections are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. All answers are given without prejudice to State Defendants’ right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Likewise, these answers and objections are not intended to be, and shall not be construed as, agreement with the United States’ characterization of any facts, circumstances, or legal obligations. State Defendants reserve the right to contest any such characterization as inaccurate and object to the Requests insofar as they contain any express or implied assumptions of fact or law concerning matters at issue in this litigation.

State Defendants will provide their answers based on terms as they are commonly understood and consistent with the Federal Rules of Civil Procedure. State Defendants object to and will refrain from extending or modifying any words employed in the Requests to comport with any expanded definitions or instructions. State Defendants will answer the Requests to the extent required by the Federal Rules of Civil Procedure and the Local Rules of the Western District of Texas.

SPECIFIC OBJECTIONS AND RESPONSES TO THE UNITED STATES' SECOND SET OF INTERROGATORIES

INTERROGATORY NO. 4: State each instance in which a person has been convicted of violating Texas law for providing or attempting to provide impermissible in-person voter assistance by influencing or coercing a voter in the presence of their ballot, including but not limited to relevant violations of Sections 64.012(a)(4), 64.036, 276.013(a)(1), and 276.013(a)(6) of the Texas Election Code.

OBJECTIONS AND RESPONSE:

State Defendants object to this interrogatory to the extent that the information sought is not proportional to the needs of this case and unduly burdensome, including for the reason that the United States does not limit its request to particular date ranges or particular statutory provisions. To that end, State Defendants object to this interrogatory to the extent that it requires State Defendants to search and examine all case records without limitation to time or statutory provision. *See* Fed. R. Civ. P. 26(b)(1). The Office of the Attorney General of Texas began tracking, investigating, and prosecuting election fraud cases in 2004. Therefore, State Defendants read this interrogatory to seek information dating from 2004 to the present. Furthermore, the Office of the Attorney General of Texas may not be aware of other prosecutions that may have been filed by criminal district attorneys.

Additionally, State Defendants object to this Interrogatory to the extent that it calls for information that is publicly available or otherwise equally accessible to the United States. In that same vein, the Office of the Attorney General has already produced charts of pending and completed prosecutions from the Office of the Attorney General, as well as copies of prosecution-diversion agreement at bates stamped ranges STATE087312–STATE087395. Those materials represent a summary of business records held by the Office of the Attorney General, and ascertaining the information requested in this interrogatory will impose substantially the same burden on OAG as it would Plaintiffs' counsel. Fed. R. Civ. P. 33(d).

Finally, State Defendants object to this interrogatory to the extent that it calls for information subject to investigative privilege, attorney–client privilege, or attorney work-product privilege. Because the Office of the Attorney General is actively involved in investigations and prosecutions of election-related crimes, all three privileges likely apply to on-going investigations and prosecutions.

Subject to and without waiving these objections, State Defendants answer as follows:

The following table represents convictions for providing impermissible in-person voter assistance by influencing or coercing a voter in the presence of his or her ballot but does not include mere instances of such occurrences without convictions:

Case No.	Name	Location	Resolution Date	Laws Violated	Final Disposition
S-18-3065-CR; 18-CR-83358	Rosita Tones Flores	Nueces/ San Patricio County	6/12/2018	Tex. Elec. Code§§ 64.012, 86.006, 64.036	Convicted
06-CR-2166-B	Maria Dora Flores	Nueces County	8/4/2006	Tex. Elec. Code§ 64.012	Pleaded Guilty
11-05590- CRM- CCL1	Christine Thomas Shank	Brazos County	2/6/2012	Tex. Elec. Code§ 64.036	Pleaded Guilty
11082011CCL- B	Gilda Hernandez	Dallas/ Rockwall County	4/5/2012	Tex. Elec. Code§§ 86.006, 64.036, 86.010	Pleaded Guilty
4-CCR-02977- A/14-CCR- 02983-A/14- CCR-02984- A/14-CCR- 02985-A/14- CCR-02987- A/14-CCR- 02989-A/14- CCR-02991- A/14-CCR- 02993-A/14- CCR-02995- A/14-CCR- 02996-A/14- CCR-02997- A/14-CCR- 02999-A/14- CCR-03003-A	Tomasa Chavez	Cameron County	1/22/2015	Tex. Elec. Code§§ 86.0051, 86.010, 86.006, 64.036	Pleaded Guilty
14-CCR-02980- A	Facunda Garcia	Cameron County	3/19/2015	Tex. Elec. Code§ 64.036	Pleaded Guilty

14-CCR-02978-C/14-CCR-02998-C/14-CCR-03000-C/14-CCR-03001-C/14-CCR-03002-C/14-CCR-03004-C/14-CCR-03005-C/14-CCR-03006-C/14-CCR-03007-C/14-CCR-03008-C	Vicenta Verino	Cameron County	8/19/2015	Tex. Elec. Code §§ 64.036, 86.010, 86.0051, 86.006	Pleaded Guilty
CR-15-08767-E; CR-15-08768-E; CR-15-08769-E; CR-15-08770-E; CR-15-08771-E; CR-15-08772-E; CR-15-08773-E; CR-15-08774-E; CR-15-08775-E; CR-15-08776-E; CR-15-08777-E; CR-15-08778-E; CR-15-08779-E; CR-15-08780-E; CR-15-08781-E	Guadalupe Rivera, Sr.	Hidalgo County	7/11/2016	Tex. Elec. Code § 64.036	Pleaded Guilty
20080,20081	Christina Lichtenberger	Duval/Live Oak County	12/14/2010	Tex. Elec. Code §§ 64.036, 86.006	Pleaded Guilty
20082,20083	Andrea Campos Bierstedt	Duval/Live Oak County	12/14/2010	Tex. Elec. Code §§ 64.036, 86.006	Acknowledgment of Offense

14-CCR-02979-A/14-CCR-03010-A/14-CCR-03011-A	Bernice Garcia	Cameron County	4/8/2015	Tex. Elec. Code §§ 64.036, 86.006, 86.0051	Acknowledgment of Offense
CX3772923814	Consuelo Barrientos Cantu	Frio County	6/15/2018	Tex. Elec. Code § 64.036	Stipulation of Guilt
CX3772923814	Maria Delcarmen Vela	Frio County	6/15/2018	Tex. Elec. Code § 64.036	Stipulation of Guilt
20084, 20085, 20086, 20087, 20088, 20089, 20090, 20091	Alicia Pena Perez	Duval/Live Oak County	12/14/2010	Tex. Elec. Code §§ 64.036, 86.006	Pleaded Guilty

INTERROGATORY NO. 5: State each instance in which a person has been convicted of violating Texas law by voting or attempting to vote by impersonation using a mail ballot, including but not limited to violations of Sections 64.012, 64.036, 276.013(a)(2), 276.013(a)(3), or 276.013(a)(7) of the Texas Election Code.

OBJECTIONS AND RESPONSE:

State Defendants object to this interrogatory to the extent that the information sought is not proportional to the needs of this case, overly broad, irrelevant to any claim or defense, not reasonably specific, and unduly burdensome, including for the reason that the United States does not limit its request to particular date ranges or particular statutory provisions. To that end, State Defendants object to this interrogatory to the extent that it requires State Defendants to search and examine all case records without limitation to time or statutory provision. *See* Fed. R. Civ. P. 26(b)(1). The Office of the Attorney General of Texas began tracking, investigating, and prosecuting election fraud cases in 2004. Therefore, State Defendants read this interrogatory to seek information dating from 2004 to the present. Furthermore, the Office of the Attorney General of Texas may not be aware of other prosecutions that may have been filed by criminal district attorneys.

Additionally, State Defendants object to this interrogatory to the extent that it calls for information that is publicly available or otherwise equally accessible to the United States. In that same vein, the Office of the Attorney General has already produced charts of pending and completed prosecutions from the Office of the Attorney General, as well as copies of prosecution-diversion agreement at bates stamped ranges STATE087312-STATE087395. Those materials represent a summary of business records held by the Office of the Attorney General, and ascertaining the information requested in this interrogatory will impose substantially the same burden on OAG as it would Plaintiffs' counsel. Fed. R. Civ. P. 33(d).

Finally, State Defendants object to this interrogatory to the extent that it calls for information subject to investigative privilege, attorney-client privilege, or attorney work-product privilege. Because the Office of the Attorney General is actively involved in investigations and prosecutions of election-related crimes, all three privileges likely apply to on-going investigations and prosecutions.

Subject to and without waiving these objections, State Defendants answer as follows:

State Defendants understand this interrogatory not to pertain to cases involving violation of Texas Law for voting or attempting to vote by impersonation not through the use of a mail ballot. Nor do State Defendants understand this interrogatory to pertain to cases that might also constitute vote harvesting. Therefore, State Defendants identify the following convictions for voting or attempting to vote by impersonation using a mail ballot but do not include mere instances of such occurrences without convictions:

Case No.	Name	Location	Resolution Date	Laws Violated	Final Disposition
B-05-2101-0- CR-B	Melva Kay Ponce	Bee County	7/26/2005	Tex. Elec. Code§ 64.012	Pleaded Guilty

SUPPLEMENTAL RESPONSE: Subject to State Defendants' understanding of the meaning and parameters of this interrogatory as set forth in their original response, the individual and case identified above remains the only instance that is responsive to this interrogatory.

INTERROGATORY NO. 6: State the number of voters who have collected, modified, or added a Texas driver's license number, Texas election identification certificate number, Texas personal identification card number, or the last four digits of their social security number to their voter registration record using any online portals provided pursuant to SB 1 from December 2, 2021 until the present, disaggregated by portal. In answering this interrogatory, do not include voter registration information submitted or updated as part of an online driver license renewal or change-of-address transaction, pursuant to Section 5 of the National Voter Registration Act, 52 U.S.C. § 20504, and the settlement agreement in *Stringer v. Hughs*, No. 5:21-cv-46 (W.D. Tex.).

OBJECTIONS AND ORIGINAL RESPONSE:

State Defendants object to this interrogatory to the extent that the information sought is not proportional to the needs of this case, overly broad, irrelevant to any claim or defense, not reasonably specific, or unduly burdensome. Additionally, State Defendants object to this interrogatory to the extent that it requests information through "the present," which would result in the inclusion of incomplete and inaccurate information if applied to the May 7, 2022 election, for which early voting began on April 25, 2022. Subject to and without waiving these objections,

State Defendants answer as follows:

State Defendants do not possess the capability to provide information responsive to this interrogatory. Aside from the methods specifically excluded in the interrogatory itself, the only “online portal[]” through which the referenced identifying information could have been updated by a voter is located on the Texas.gov website. That website is maintained by the Texas Department of Information Resources, which is not a party to this case. A voter is required to enter his current driver license number, ID number, voter registration card VUID, and Social Security Number in order to access this portal for the purpose of updating the voter’s name or address. The identifying information of voters who submit a change of name or address on Texas.gov is transmitted to the Office of the Texas Secretary of State (“SOS”) on a nightly basis. If the TEAM database is missing the driver license/ID number or Social Security number disclosed by the voter in gaining access to Texas.gov, that voter’s missing information is updated in TEAM.

There is no individual field or combination of fields in TEAM that would allow State Defendants to isolate the specific information requested in this interrogatory. The TEAM system contains an audit log that tracks the history of changes or updates made to a voter’s record, but that audit log does not differentiate between the types of changes offered through the Texas.gov system. Because of these limitations that are inherent in the TEAM system, State Defendants are unable to provide data that is responsive to this interrogatory.

SUPPLEMENTAL RESPONSE:

Subject to State Defendants’ understanding of the meaning and parameters of this interrogatory as set forth in their original response, State Defendants remain unable to provide data responsive to this interrogatory.

INTERROGATORY NO. 7: State the number of voters who have cured identification defects in their Application for a Ballot By Mail using any online portals provided pursuant to SB 1 from December 2, 2021 until the present, disaggregated by portal.

OBJECTIONS AND ORIGINAL RESPONSE:

State Defendants object to this interrogatory to the extent that the information sought is not proportional to the needs of this case, overly broad, irrelevant to any claim or defense, not reasonably specific, or unduly burdensome. Additionally, State Defendants object to this interrogatory to the extent that it requests information through “the present,” which would result in the inclusion of incomplete and inaccurate information if applied to the May 7, 2022 election, for which early voting began on April 25, 2022. Subject to and without waiving these objections, State Defendants answer as follows:

The only “online portal[]” through which identification defects in a voter’s Application for a Ballot By Mail (“ABBM”) may be cured is the Ballot by Mail Tracker available at VoteTexas.gov.² A voter can use the Tracker to cure an initial failure to provide any of the required personal identification numbers or if the numbers provided do not match the voter registration record. While SOS can

² <https://teamrv-mvp.sos.texas.gov/BallotTrackerApp/#/login>

determine the number of voters who used the Tracker to correct a defect in their ABBM and subsequently had their ABBM accepted, this total does not necessarily provide the exact information requested in this interrogatory. That is because the TEAM system is a living database that captures only the current or most recent status associated with any information in a voter's record. Therefore, State Defendants can only provide ABBM figures for the March 1, 2022 Primary reflecting the final status of voters in the TEAM system. With those caveats and limitations in mind, State Defendants can represent that the total number of ABBMs submitted for the March 1, 2022 Primary was 264,647; the total number of voters who used the Tracker to correct a defect in their ABBM was 364; and the total number of those voters who used the Tracker to correct a defect in their ABBM and either had their ABBM accepted or cancelled their application and instead voted in person was 237.

SUPPLEMENTAL RESPONSE: Subject to State Defendants' understanding of the meaning and parameters of this interrogatory as set forth in their original response, State Defendants supplement their response with the following counts as calculated by the Texas Secretary of State:

May 7, 2022 Constitutional Amendment Election

Total number of ABBMs submitted: 288,865.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM: 48.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM and had their ABBM accepted or cancelled their application and voted in person: 16.

May 24, 2022 Primary Runoff Election

Total number of ABBMs submitted: 280,277.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM: 11.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM and had their ABBM accepted or cancelled their application and voted in person: 7.

November 8, 2022 General Election

Total number of ABBMs submitted: 431,571.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM: 523.

Total number of voters who used the Ballot by Mail Tracker to correct a defect in their ABBM and had their ABBM accepted or cancelled their application and voted in person: 419.

INTERROGATORY NO. 8: State the number of voters who have cured carrier envelope identification defects using any online portal provided pursuant to SB 1 from February 9, 2022 to present, disaggregated by portal.

OBJECTIONS AND ORIGINAL RESPONSE:

State Defendants object to this interrogatory to the extent that the information sought is not proportional to the needs of this case, overly broad, irrelevant to any claim or defense, not reasonably specific, or unduly burdensome. Additionally, State Defendants object to this interrogatory to the extent that it requests information through "the present," which would result in the inclusion of incomplete and inaccurate information if applied to the May 7, 2022 election, for which early voting began on April 25, 2022. Subject to and without waiving these objections, State Defendants

answer as follows:

The only “online portal[]” through which a voter may cure carrier envelope identification defects is again the Ballot by Mail Tracker available at VoteTexas.gov. Using this portal, a voter can cure the following three defects:

1. The carrier envelope did not contain the voter’s Texas Driver’s License Number, Texas Personal Identification Number, Texas Election Identification Certificate Number, or the Last 4 digits of his Social Security Number;
2. The identification number provided by the voter did not match the number associated with his voter registration record; or
3. The voter was not issued one of the documents with the required number and did not indicate this fact on the carrier envelope.

SOS can determine the number of voters who used the Tracker to correct a defective carrier envelope and subsequently had their mail-in ballot accepted, but this total does not necessarily provide the exact information requested in this interrogatory. That is because the TEAM system is a living database that captures only the current or most recent status associated with any information in a voter’s record. Therefore, State Defendants can only provide mail ballot figures for the March 1, 2022 Primary reflecting the final status of voters in the TEAM system. Considering those limitations, State Defendants can represent that the total number of mail ballots submitted for the March 1, 2022 Primary was 198,947; the total number of voters who used the Tracker to correct a defective carrier envelope was 2,628; and the total number of voters who used the Tracker to correct a defective carrier envelope and either had their mail ballot accepted or cancelled their mail ballot and instead voted in person was 1,788.

SUPPLEMENTAL RESPONSE: Subject to State Defendants’ understanding of the meaning and parameters of this interrogatory as set forth in their original response, State Defendants supplement their response with the following counts as calculated by the Texas Secretary of State:

May 7, 2022 Constitutional Amendment Election

Total number of mail ballots submitted: 190,469.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope: 1,017.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope and had their mail ballot accepted or cancelled their mail ballot and voted in person: 937.

May 24, 2022 Primary Runoff Election

Total number of mail ballots submitted: 183,260.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope: 1,071.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope and had their mail ballot accepted or cancelled their mail ballot and voted in person: 1,063.

November 8, 2022 General Election

Total number of mail ballots submitted: 345,679.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope: 1,531.

Total number of voters who used the Ballot by Mail Tracker to correct a defective carrier envelope and had their mail ballot accepted or cancelled their mail ballot and voted in person: 1,496.

Exhibit 7

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et	§	
al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION NO. 5:21-CV-00844-XR
v.	§	(Consolidated Cases)
	§	
GREGORY W. ABBOTT, et al.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT HARRIS COUNTY DISTRICT ATTORNEY KIM OGG’S
FIRST AMENDED RESPONSES TO PLAINTIFF OCA-GREATER
HOUSTON’S SECOND SET OF INTERROGATORIES**

TO: Plaintiff OCA-Greater Houston, by and through Plaintiff OCA-Greater Houston’s attorney of record, Zachary Dolling, TEXAS CIVIL RIGHTS PROJECT, 1405 Montopolis Drive, Austin, Texas 78741.

Defendant Harris County District Attorney Kim Ogg (“District Attorney Ogg”), in accordance with the Federal Rules of Civil Procedure, services these First Amended responses to Plaintiff OCA-Greater Houston’s Second Set of Interrogatories. District Attorney Ogg reserves the right to supplement and/or amend this response as the case progresses and as permitted by the Federal Rules of Civil Procedure and any orders of the Court.

Respectfully submitted,

BUTLER SNOW LLP

By: /s/ Eric J.R. Nichols

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Fax: (737) 802-1801

**ATTORNEYS FOR DEFENDANT KIM
OGG, IN HER OFFICIAL CAPACITY
AS HARRIS COUNTY DISTRICT
ATTORNEY**

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2023, a true and correct copy of the foregoing document was served on counsel of record by electronic mail.

/s/ Eric J.R. Nichols

Eric J.R. Nichols

**DISTRICT ATTORNEY OGG'S FIRST AMENDED RESPONSES TO PLAINTIFF
OCA-GREATER HOUSTON'S SECOND SET OF INTERROGATORIES**

These responses are without prejudice to District Attorney's Ogg position that principles of sovereign immunity bar the requesting plaintiffs' claims against her.

INTERROGATORY NO. 1: Identify each investigation initiated or participated in by your office predicated at least in part on a violation or suspected violation of the above-listed Sections of the Texas Election Code. Include for each investigation identified the Section(s) of the Texas Election Code involved or suspected to be involved, the date the investigation was opened, the result of the investigation (e.g., dismissal because inconclusive), and the date the investigation was closed, where applicable.

RESPONSE NO. 1: During the time period January 1, 2017 to present, there were reports made to the Harris County District Attorney's Office ("HCDAO") of 165 instances in which individuals provided the Harris County District Clerk and/or the City of Houston with responses to jury summonses indicating a lack of U.S. citizenship that may have been inconsistent with representations of citizenship made on previously filed voter registration applications. During this time period, there were reports made to the HCDAO of 470 instances in which individuals signed in to vote in a primary, either Democratic or Republican, after previously signing in to vote in a different party's primary in the same election. During this time period, there was a report made to the HCDAO of a situation in which an individual falsified a voter registration application with the wrong address for that individual. During this time period, there were reports made to the HCDAO of 20 instances in which a person was suspected of voting illegally in person in Harris County—three that involved potential voting by a felon not eligible to vote; two that involved potential voting by non-citizens not eligible to vote; and 15 that involved the potential situation in which a voter voted more than once. During this time period, there was one report to the HCDAO of a claim that an individual engaged in improper ballot harvesting. During this time period, there was one report made to the HCDAO of multiple instances in which a person may have indicated that he or she witnessed a request for mail-in ballots when in fact he or she had not. Records maintained by the division of the HCDAO that processes complaints and referrals of Election Code matters, and engages in investigations of Election Code matters, do not reflect other instances of the HCDAO receiving complaints, referrals, and/or participating in investigations during this time period that could have arisen in part or in whole under any one or more of the following provisions of the Texas Election Code as enacted or amended by SB1: 13.007, 33.051(g), 33.061(a), 64.012, 86.006(f), 86.010(i), 86.0105, 276.004(a), 276.013, 276.015(b)-(d), 276.016(a), 276.017(a), and 276.018(a).

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including

under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 2: Identify each prosecution initiated or participated in by your office predicated at least in part on a violation or suspected violation of the above-listed Sections of the Texas Election Code. Include for each prosecution identified the Section(s) of the Texas Election Code involved or suspected to be involved, the date the prosecution was initiated, and the result of the prosecution.

RESPONSE NO. 2: From January 1, 2017 to present, the HCDAO has participated in the following prosecutions, which are of public record:

State v. Anthony Rodriguez, Cause No. 1629438 (176th Judicial District Court) (filed 4/26/19)

State v. Richard Anthony Bonton, Case No. 2337503 (Harris CCCL #15) (filed 12/11/20)

State v. Natasha Nicole Demming, Case No. 2337506 (Harris CCCL #15) (filed 12/11/20)

Records maintained by the division of the HCDAO that processes complaints and referrals of Election Code matters, and engages in prosecutions of Election Code matters, do not reflect other instances of prosecutions that arose in part or in whole under any one or more of the following provisions of the Texas Election Code as enacted or amended by SB1: 13.007, 33.051(g), 33.061(a), 64.012, 86.006(f), 86.010(i), 86.0105, 276.004(a), 276.013, 276.015(b)-(d), 276.016(a), 276.017(a), and 276.018(a).

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 3: Identify and describe with particularity any communications your office has had with the OAG regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 3: At least four of the matters involving a complaint, referral, and/or investigation as discussed in the response to Interrogatory No. 1 involved communications with the "OAG" as defined in the request.

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on

February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 4: Identify and describe with particularity any communications your office has had with the SOS regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 4: At least one of the matters involving a complaint, referral, and/or investigation as discussed in the response to Interrogatory No. 1 involved communications with the "SOS" as defined in the request.

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 5: Identify and describe with particularity any communications your office has had with State officials regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 5: See responses to Interrogatories 3 and 4.

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 6: Identify and describe with particularity any communications your office has had with local officials, other than you, regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 6: See responses to Interrogatories 1, 3, 4, and 5.

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 7: Identify and describe with particularity any communications your office has had with the Texas Legislature regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 7: Following diligent inquiry, District Attorney Ogg has not located any communications with the "Texas Legislature" as defined by the request regarding investigations or prosecutions related to one or more of the following provisions of the Texas Election Code as enacted or amended by SB1: 33.051(g), 33.061(a), 86.006(f), 86.010(i), 86.0105, 276.004(a), 276.015(b)-(d), 276.016(a), 276.017(a), and 276.018(a).

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

INTERROGATORY NO. 8: Identify and describe with particularity any communications your office has had with members of the public regarding investigations or prosecutions related to the above-listed Sections of the Texas Election Code.

RESPONSE NO. 8: See responses to Interrogatories 1, 2, 3, 4, and 5.

To the extent that this interrogatory seeks more information than is provided above, the request would be inconsistent with the Court's guidance on the scope of discovery during proceedings held on February 16, 2023. As discussed with the Court during the proceedings on February 16, 2023, these

responses are intended to address a limited scope of inquiry to the HCDAO. Should requesting plaintiffs persist in seeking broader discovery, District Attorney Ogg maintains and asserts all objections to discovery on any such broader scope, including that the requested discovery concerns matters that are not relevant to the claims being made by requesting plaintiffs; is not proportional to the needs of the case; and seeks to discover information that is privileged from discovery, including under attorney-client communications privilege, attorney work product, informer's identity privilege, and privilege associated with law enforcement investigations.

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I declare pursuant to 28 U.S.C. § 1746 that I am an Assistant District Attorney/Fraud Examiner with the Public Corruption Division of the Harris County District Attorney's Office, and that the foregoing answers to interrogatories are based on information and records available through diligent inquiry at the Harris County District Attorney's Office.

/s/ George Jordan (with permission)
GEORGE JORDAN

Exhibit 8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, et al.,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	5:21-CV-0844-XR
	§	(Consolidated Cases)
GREGORY ABBOTT, et al.	§	
<i>Defendants.</i>	§	

**DEFENDANT JOSÉ GARZA’S AMENDED OBJECTIONS AND RESPONSES TO
PLAINTIFF OCA-GREATER HOUSTON’S FIRST SET OF INTERROGATORIES**

TO: Consolidated Plaintiffs, by and through their attorneys of record.

Comes now Defendant José Garza in his official capacity as Travis County District Attorney (“Defendant”), and hereby serves his Amended Objections and Responses to Plaintiff OCA-Greater Houston’s First Set of Interrogatories.¹

I. OBJECTIONS TO DEFINITIONS

1. Defendant Garza objects to Plaintiff’s definition of “you” as including “Travis County, including the Office of the Travis County District Attorney, the Travis County District Attorney, his predecessors and successors...” This definition is overly broad and improperly includes prior District Attorney administrations not included or the subject of this litigation. Additionally, said definitions could be construed to require the disclosure of information concerning matters made exempt from discovery under Federal Rule of Civil Procedure 26(b)(1) and the Federal Rules of Evidence, including, but not limited to attorney work product, litigation privilege, deliberative process privilege, grand jury proceedings, and ongoing criminal investigations.

¹ The objections made herein are asserted on behalf of Travis County District Attorney José Garza, in his official capacity.

**PLAINTIFF OCA-GREATER HOUSTON'S FIRST SET OF INTERROGATORIES
TO DEFENDANT TRAVIS COUNTY DISTRICT ATTORNEY JOSÉ GARZA, IN
HIS OFFICIAL CAPACITY**

All interrogatories are limited in time from January 1, 2016, until present day.

Interrogatory No. 1: Identify and describe with particularity all investigations, criminal proceedings, or prosecutions initiated or participated in by your office and predicated at least in part on a violation or suspected violation of criminal election law.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks information or material relating to any ongoing criminal investigation. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. Documents and communications which may be responsive to this request for production related to open criminal cases currently being prosecuted by Travis County, if any, would impair any such investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this interrogatory seeks protected grand jury proceedings, attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this interrogatory seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

On June 7, 2019, the TCDAO received a complaint from Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters alleging that the subject of the investigation in TCDAO File No. 11612-19, who is not a US citizen, illegally voted in multiple elections, the latest being on October 26, 2016. The case was closed without presenting it to the grand jury, as the statute of limitations ran in October 2019.

On February 4, 2019, the TCDAO received a complaint from Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters alleging that the subject of the investigation in TCDAO File No. 11482-19 illegally voted by voting on election day in addition to voting early. The case was closed without presenting it to the grand jury as there was insufficient evidence to prove criminal conduct.

On February 4, 2019, the TCDAO received a complaint from Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters alleging that the subject of the investigation in TCDAO File No. 11483-19 illegally voted by voting on election day in addition to voting early. The case was closed without presenting it to the grand jury as there was insufficient evidence to prove criminal conduct.

On February 2, 2017, Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters wrote an Affidavit of Fact stating “certain individuals possibly illegally voted in the November 8, 2016 General Election” in connection with the investigation in TCDAO File No. 11052-17, 2017 Illegal Voters Investigation. A list of 17 individuals who were the subject of the investigation in TCDAO File No. 11052-17, 2017 Illegal Voters Investigation were believed to have voted twice based upon voter registration information as well as like signatures on polling signature rosters. The cases were closed without presenting them to the grand jury as there was insufficient evidence to prove criminal conduct.

Interrogatory No. 2: For each investigation, criminal proceeding, or prosecution identified in response to Interrogatory No. 1, identify all local officials or State officials involved, other than you, and describe with particularity the role each local official or State official played. This identification may be limited to the political subdivision, political subdivision office, or statewide office with which the officials are affiliated rather than the names of individual persons.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Defendant further objects to this interrogatory to the extent that it requires disclosure of grand jury proceedings or materials requested or obtained pursuant to a grand jury subpoena.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters was the Complainant in the TCDAO File No. 11052-17, 2017 Illegal Voters investigation, and the 2019 TCDAO File No. 11612-19, TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations, and provided an affidavit of fact in connection with the TCDAO File No. 11052-17, 2017 Illegal Voters investigation.

The Travis County Tax Assessor-Collector Office and Travis County Clerk’s Office

provided additional documentation in connection with the TCDAO File No. 11052-17, 2017 Illegal Voters Investigation, and the 2019 TCDAO File No. 11612-19, TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations.

The Travis County Attorney's Office received and conducted initial review of the Complaints in connection with the TCDAO File No. 11052-17, 2017 Illegal Voters investigation, and the 2019 TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations prior to referring each of these Complaints to the Travis County District Attorney's Office.

The Austin Police Department provided additional documentation to the Travis County District Attorney's Office in connection with the 2017 Illegal Voters Investigation.

Interrogatory No. 3: Identify and describe with particularity any practices or policies of your office specific to the investigation or prosecution of violations or suspected violations of criminal election law.

RESPONSE:

The Travis County District Attorney's Office does not have "practices or policies . . . specific to the investigation or prosecution of violations or suspected violations of criminal election law." The Travis County District Attorney's Office investigates and prosecutes "violations or suspected violations of criminal election law" pursuant to the authority granted to district attorneys in the State of Texas under Texas state law to represent the State of Texas in Criminal actions in District Court. More specifically, Texas Election Code Section 273.001 vests the "county or district attorney having jurisdiction in that territory" with investigating an allegation "by two or more registered voters" alleging "criminal conduct in connection with the election."

Interrogatory No. 4: If you contend that the OAG is responsible for or engages in the investigation or prosecution of violations or suspected violations of criminal election law within Travis County:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contention.

RESPONSE:

The Travis County District Attorney's Office does not make this contention. Accordingly, no further response is required.

Interrogatory No. 5: If you contend that any local official other than you is responsible for or engages in the investigation or prosecution of violations or suspected violations of criminal election law within Travis County:

- A. Identify the local official(s);

B. State the facts that support your contention(s); and

C. Identify all documents that support your contention(s).

RESPONSE:

Texas Election Code Section 273.001 vests the “county or district attorney having jurisdiction in that territory” with investigating an allegation “by two or more registered voters” alleging “criminal conduct in connection with the election.” Thus, the Travis County Attorney’s office would have jurisdiction over the investigation of any misdemeanor offense connected to an allegation made by two or more registered voters in connection with an election.

The prosecution for violations or suspected violations of the Texas Election Code could fall within the jurisdiction of the Travis County Attorney’s Office or the Travis County District Attorney’s Office. A misdemeanor involving official misconduct, which is intentional or knowing conduct by a public servant acting in their official capacity (Texas Penal Code Section 1.07), is within the jurisdiction of the District Courts pursuant to Code of Criminal Procedure Article 4.05. The Travis County District Attorney’s Office represents the State of Texas in Criminal actions in District Court. However, a misdemeanor violation of the Texas Election Code committed by one who is not a public servant would fall within the ordinary jurisdiction of the County Courts at Law. The Travis County Attorney’s Office represents the State of Texas in criminal actions in County Courts at Law.

Interrogatory No. 6: Identify and describe with particularity all investigations, criminal proceedings, or prosecutions in Travis County carried out by any local official other than you and predicated at least in part on a violation or suspected violation of criminal election law.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant’s predecessor or seeks documents from “local officials,” including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE:

Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

The Travis County Attorney's Office received and conducted initial review of the Complaints in connection with the 2017 Illegal Voters investigation, and the 2019 TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations prior to referring each of these Complaints to the Travis County District Attorney's Office. No other "investigations, criminal proceedings, or prosecutions" known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 7: Identify and describe with particularity any communications your office has had with the OAG regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 8: Identify and describe with particularity any communications your office has had with the SOS regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 9: Identify and describe with particularity any communications your office has had with State officials, if not identified and described in your responses to Interrogatories No. 7 and 8 above, regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not

parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 10: Identify and describe with particularity any communications your office has had with local officials other than you regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

See Response to Interrogatory No. 2, above. Travis County Tax Assessor-Collector Bruce Elfant, in his capacity as the Travis County Registrar of Voters was the Complainant in the 2017 Illegal Voters investigation, and the 2019 TCDAO File No. 11612-19, TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations, and provided an affidavit of fact in connection with the 2017 Illegal Voters Investigation.

The Travis County Tax Assessor-Collector Office and Travis County Clerk's Office provided additional documentation in connection with the 2017 Illegal Voters Investigation, and the 2019 TCDAO File No. 11612-19, TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations.

The Travis County Attorney's Office received and conducted initial review of the Complaints in connection with the 2017 Illegal Voters investigation, and the 2019 TCDAO File No. 11482-19, and TCDAO File No. 11483-19 Investigations prior to referring each of these Complaints to the Travis County District Attorney's Office.

The Austin Police Department provided additional documentation to the Travis County District Attorney's Office in connection with the 2017 Illegal Voters Investigation.

Interrogatory No. 11: Identify and describe with particularity any communications your office has had with the Texas Legislature regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 12: Identify and describe with particularity any communications your office has had with members of the public regarding the investigation or prosecution of violations or suspected violations of any criminal election law, including the specific topic of communication, the date of the communications, the individuals who participated in the communications, and the outcome of the communications.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating

to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Interrogatory No. 13: Identify and describe with particularity any press releases, public announcements, or any other communication made by your office to persons, entities, or media external to your office relating to the enforcement of criminal election law.

OBJECTION: Defendant objects to this interrogatory to the extent that it seeks material relating to an ongoing criminal investigation from Defendant's predecessor or seeks documents from "local officials," including other governmental entities, not within the custody and control of Defendant. As a matter of federal common law, the law enforcement privilege protects government documents relating to an ongoing criminal investigation. *In re US Dept. of Homeland Sec.*, 459 F.3d 565 (5th Cir. 2006). Documents and communications which may be responsive to this request for production are related to open criminal cases which are currently being prosecuted by Travis County and would impair the investigation and prosecution of alleged criminal activity within Travis County.

Additionally, Defendant further objects to the extent that this request seeks protected attorney client communications and/or attorney work product, if any, that exist.

Defendant further objects to the extent that this request seeks responsive information and documentation under prior administrations of the Travis County District Attorneys who are not parties to this lawsuit as being overly broad, and unduly burdensome on Defendant District Attorney Garza.

RESPONSE: Subject to, and without waiving the foregoing objections, Defendant Garza responds as follows:

None known of by District Attorney Garza's administration. Defendant reserves the right to supplement this Response pursuant to the Federal Rules of Civil Procedure.

Respectfully submitted,

DELIA GARZA

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By: /s/ Anthony J. Nelson

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**ATTORNEYS FOR DEFENDANTS
REBECCA GUERRERO AND JOSÉ GARZA,
IN THEIR OFFICIAL CAPACITIES AS
TRAVIS COUNTY CLERK, AND
DISTRICT ATTORNEY, RESPECTIVELY.**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all parties and counsel of record via electronic mail, as follows, on the 30th day of September, 2022.

/s/ Anthony J. Nelson

ANTHONY J. NELSON

PATRICK T. POPE

Assistant County Attorneys

Exhibit 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	
	§	
<hr/>		
UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	
	§	
<hr/>		

**PLAINTIFF OCA-GREATER HOUSTON’S AMENDED OBJECTIONS AND
RESPONSES TO STATE DEFENDANTS’ FIRST SET OF INTERROGATORIES**

TO: Defendants Texas Secretary of State John Scott and Texas Attorney General Ken Paxton (“State Defendants”) by and through its attorneys of record Patrick K. Sweeten, William T. Thompson, Eric A. Hudson, Kathleen T. Hunker, Leif A. Olson, Jeffrey M. White, and Jack B. DiSorbo, via e-mail to patrick.sweeten@oag.texas.gov.

Pursuant to Federal Rules of Civil Procedure 33, 34, and 36, Plaintiff OCA-Greater Houston (“OCA-GH”) hereby serves the following Amended Objections and Responses to State Defendants’ First Set of Interrogatories.

Dated: March 25, 2022

Respectfully Submitted,

/s/ Zachary Dolling

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COUNSEL FOR PLAINTIFF

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2022, a true and correct copy of the foregoing *Plaintiff OCA-Greater Houston Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Zachary Dolling

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff therefore reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative," which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the

terms “representative” and “agents” are vague and call for legal conclusions. Plaintiff further objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- c. A document, to the extent that it expands the scope of discovery to include

materials and information that are not within Plaintiff's possession, custody, and control and imposes burdens that are not proportional to the needs of this case.

- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."
- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain

incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any

production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"):

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)
7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.04: Amends Tex. Election Code § 64.034
11. SB 1 § 6.06: Amends Tex. Election Code § 86.0105
9. SB 1 § 7.04: Adds Tex. Election Code §§ 276.015, 276.016, 276.017, 276.018, and 276.019

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff's members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint (“SAC”) (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting and voter assistance, and the criminal and civil penalties associated with those provisions.

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter’s eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver’s license, Texas election identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications for the March 2022 primary due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because they have diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staffing to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver’s license

number or Social Security number but are unable to access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶¶ 116 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.04 adds a requirement that voter assistants swear under penalty of perjury that “I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot” and no longer allows assistants to answer a voter’s questions, help the voter navigate the polling place, or provide any other type of assistance that might be necessary for individuals with disabilities or with limited English proficiency. Plaintiff lists examples of additional specific types of assistance needed in SAC ¶¶ 154–160. In addition, SB 1 Section 6.06 creates a strict liability, state jail felony that criminalizes the provision of assistance by anyone who “solicits, receives, or accepts compensation” for assisting a voter with its mail-in ballot. Plaintiff lists specific injuries in SAC ¶¶ 166 and its response to Interrogatory No. 4.

Before SB 1, the Texas Elections Code already prohibited improper influencing or electioneering. Section 7.04 of SB 1 goes much further to criminalize paid ballot collection services and paid interactions with voters in the presence of an official ballot, which the bill derogatorily labels as “vote harvesting,” creating a third-degree felony. Section 7.04 imposes criminal and civil penalties on any person who gives or receives some “compensation or other benefit” for “knowingly provid[ing] or offer[ing] to provide vote harvesting services,” defined as any “in-person interaction with one or more voters, in the physical presence of” and “directly involving” any “official ballot or a ballot voted by mail,” which are “intended” “to deliver votes for [or against] a specific candidate or measure.” This provision is substantially overbroad and vague, infringing on Plaintiff’s core political speech and subjecting Plaintiff to potential arbitrary and/or selective prosecution without prior notice of precisely what activities are illegal, as well as possible civil claims by candidates. Plaintiff lists specific injuries in SAC ¶¶ 208–210 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on March 24, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. OCA-GH has board members and volunteers who work to fundraise and implement OCA-GH's programs to empower the Asian American and Pacific Islander ("AAPI") community through leadership training; education workshops; arts and cultural events; advocacy campaigns, including creating and distributing fliers in multiple languages; facilitating voting, including by providing rides to the polls and hosting candidate forums; legal clinics; internships; scholarships; mentorship and civic engagement; and monitoring of and advocacy for national and local public policy. A significant portion of OCA-GH's members and the community it serves lack the ability to read English-language election materials, including mail-in ballots, in-person ballots, and other voting instructions and materials. These individuals require assistance to vote in person or by mail-in ballot, if eligible to do so. OCA-GH serves its members and the AAPI community by facilitating and providing assistants who read and speak languages other than English to assist voters with reading and understanding election materials, including mail-in and in-person ballots. OCA-GH provides some of these assistants with benefits or compensation both as part of its broader activities, and to encourage more individuals to serve as assistants for voters in need. OCA-GH's members and the communities they serve will be harmed by the drastic illegal restrictions contained within SB1 on the ability to provide assistance to voters with mail-in ballots, at the polls, and in the course of the normal voter engagement that OCA-GH practices.

One member in particular named Sam Hwong was deterred from applying to vote by mail, despite being over 80 years old and previously successfully voting by mail, due to his fear his application or his mail ballot would be rejected. Although he wanted to vote by mail in the March 1 primary and would like to vote by mail in the future, he opted to bear the significant personal risk of voting in person instead.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on March 24, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. OCA-GH has expended time, money, and resources in combating SB1’s passage. OCA-GH made expenditures to send members to Austin to attend rallies protesting the passage of SB1 and defending the right to vote.

Since the passage of SB1 and its going into effect on December 2, 2021 OCA-GH has had to devote significant time and resources into reshaping its practices in order to navigate SB1's unlawful provisions. OCA-GH's Civic Engagement Programs Director Debbie Chen and her staff have had to devote hours and hours of limited staff time to determining how the organization can continue their operations with SB1 making it more difficult and dangerous for OCA-GH's members and their communities to participate in the electoral process. OCA's work involves voter trainings, advocacy campaigns, voter assistance in transportation, education sessions, and ballot assistance, door knocking campaigns, appearance at candidate forums, and several other forms of voter assistance and education that all have had to be scrutinized, and in many cases modified, by Ms. Chen and her staff in order to avoid civil or criminal penalties from SB1's illegal and confusing provisions.

Given the far-reaching implications into the ability of organizations to offer assistance and education to voters contained in SB1, passage of the bill has forced OCA-GH to comb through all of the ways its programs could potentially violate the law, assess the new risk factors associated with their programs, train staff and then in turn volunteers on how the new laws impact their programs, and then conduct trainings on the operation of its newly modified programs. All of this scrutiny, training, and modifications to programming cost OCA-GH in staff time and in financial expenditures related to operation of its modified programming, and will continue to cost the organization as OCA-GH anticipates significant diversion of its limited resources as SB1's implementation is carried out in the future.

- B. As a result of SB1, OCA-GH has had to significantly scale back its voter education and assistance efforts. Due to the possibility of civil and criminal penalties, and the confusing nature of the law's restrictions, OCA-GH has reduced or anticipates reducing its participation in voter outreach events, the information it provides to voters, the types of programming it pursues, and the scope of voters it seeks to target with its programming. Instead of assisting voters at candidate forums with mail-in ballot problems or registration issues, which was OCA-GH's usual practice, staff and volunteers are now merely referring voters to the Harris Co. website. This has led to instances such as one where an over 80-year old, high COVID-risk voter from the community OCA-GH serves, Sam Hwong, decided to vote in person because of a problem obtaining a mail-in ballot, and OCA-GH was not able to assist him in obtaining one. For the March 1 primary and upcoming elections, OCA-GH's door knocking volunteers limited and are limiting their valuable interactions with voters to just an "early voting alert" instead of engaging with the voter about any assistance they may require or directing them to voter education sessions, which changes the character of these interactions to one of an entirely different kind and reduces their utility both for OCA-GH and the voters. OCA-GH has been and will be forced to almost entirely abandon providing language assistance to Limited English Proficient (LEP) voters at the polls, due to the threat of penalty associated with assistance that does not comply with SB1's exactly narrow and highly punitive provisions.

These reductions in efforts do not allow OCA-GH the freedom to pursue other projects relevant to their voter outreach goals, as the drain on resources in responding to SB1 and designing programming that does not put the organization and its members at significant risk of civil or criminal penalties are anticipated to meet or exceed the costs that would be anticipated for OCA to conduct its activities without the interference of SB1. Spending time and resources on countermeasures to SB1 will force OCA-GH to spend less time and money on its normal programming efforts, and will reach fewer voters overall.

- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on March 24, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. OCA-GH's mission: (1) to advocate for social justice, equal opportunity, and fair treatment; (2) to promote civic participation, education, and leadership; (3) to advance coalitions and community building; and (4) to foster cultural heritage. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on March 24, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;
- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to

traditionally marginalized voters;” and

D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; (2) permitting voters to receive assistance at the polls, particularly for voters with a disability or who are not fluent in English; and (3) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that voting by mail, permitting assistance at the polls, and permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff will produce documents responsive to this request—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;
- B. Explain how these burdens are immaterial; and
- C. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous new requirements for applying to vote by mail, and the types of cure processes provided for in-person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff’s SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case by case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas’s statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;
3. Attorneys’ fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which the Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit, please identify and describe with specificity, by plaintiff, each omission that you contend each Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

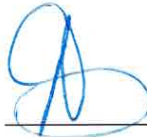
Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR AMENDED RESPONSES TO INTERROGATORIES

I Deborah Y. Chen verify under penalty of perjury under the laws of the United States of America that the foregoing responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Deborah Y. Chen
Name

Civic Engagement Programs Director
Title


Signature

03/24/2022
Date

On behalf of OCA-Greater Houston

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

	§	
OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

	§	
HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

	§	
LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	
	§	
<hr/>		
UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	
	§	
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**PLAINTIFF OCA-GREATER HOUSTON’S THIRD AMENDED OBJECTIONS AND
RESPONSES TO STATE DEFENDANTS’ FIRST SET OF INTERROGATORIES**

TO: Defendants Texas Secretary of State Jane Nelson and Texas Attorney General Ken Paxton (“State Defendants”) by and through their attorneys of record, Kathleen T. Hunker and J. Aaron Barnes via e-mail to kathleen.hunker@oag.texas.gov and aaron.barnes@oag.texas.gov.

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff OCA-Greater Houston (“OCA-GH”), hereby serves the following Third Amended Objections and Responses to State Defendants’ First Set of Interrogatories.

Dated: March 31, 2023

Respectfully Submitted,

By: /s/ Zachary Dolling

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COUNSEL FOR OCA- GREATER HOUSTON PLAINTIFFS.
**admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2023, a true and correct copy of the foregoing *Plaintiff OCA-GH's Third Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Zachary Dolling

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff therefore reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any

interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf,

including but not limited to employees, attorneys, consultants, agents, and any other representative,” which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the

terms “representative” and “agents” are vague and call for legal conclusions. Plaintiff further objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.

- c. A document, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control and imposes burdens that are not proportional to the needs of this case.
- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."
- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain

incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"):¹

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)
7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.06: Amends Tex. Election Code § 86.0105
11. SB 1 § 7.04: Adds Tex. Election Code §§ 276.015, 276.016, 276.017, 276.018, and 276.019

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff's members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response

¹ In its Second Amended Complaint Plaintiff challenged SB 1 § 6.04 (amending Tex. Election Code § 64.034). The district court, in its order largely denying State Defendants' motion to dismiss Plaintiff's claims, held that a modified injunction in a different case, *OCA-Greater Houston v. Texas*, 1:15-cv-679-RP, 2022 WL 2019295 (W.D. Tex. June 6, 2022), mooted Plaintiff's Section 6.04 claims against State Defendants. *See* Dkt. 448 at 33 & n.18. Plaintiff has amended its interrogatory answers to reflect this.

to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint (“SAC”) (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting and voter assistance, and the criminal and civil penalties associated with those provisions.

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter’s eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.08, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver’s license, Texas election identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications and ballots for the March 2022 primary and November 2022 general election due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because it has diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staff to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver’s license number or Social Security number but are unable to

access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in application accepted and ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶ 116 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.06 creates a strict liability, state jail felony that criminalizes the provision of assistance by anyone who “solicits, receives, or accepts compensation” for assisting a voter with their mail-in ballot. Plaintiff lists specific injuries in SAC ¶ 166 and its response to Interrogatory No. 4.

Before SB 1, the Texas Elections Code already prohibited improper influencing or electioneering. Section 7.04 of SB 1 goes much further to criminalize paid ballot collection services and paid interactions with voters in the presence of an official ballot, which the bill derogatorily labels as “vote harvesting,” creating a third-degree felony. Section 7.04 imposes criminal and civil penalties on any person who gives or receives some “compensation or other benefit” for “knowingly provid[ing] or offer[ing] to provide vote harvesting services,” defined as any “in-person interaction with one or more voters, in the physical presence of” and “directly involving” any “official ballot or a ballot voted by mail,” which are “intended” “to deliver votes for [or against] a specific candidate or measure.” This provision is substantially overbroad and vague, infringing on Plaintiff’s core political speech and subjecting Plaintiff to potential arbitrary and/or selective prosecution without prior notice of precisely what activities are illegal, as well as possible civil claims by candidates. Plaintiff lists specific injuries in SAC ¶ 210 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and

B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

A. OCA-GH has board members and volunteers who work to fundraise and implement OCA-GH's programs to empower the Asian American and Pacific Islander ("AAPI") community through leadership training; education workshops; arts and cultural events; advocacy campaigns, including creating and distributing fliers in multiple languages; facilitating voting, including by providing rides to the polls and hosting candidate forums; legal clinics; internships; scholarships; mentorship and civic engagement; and monitoring of and advocacy for national and local public policy. A significant portion of OCA-GH's members and the community it serves lack the ability to read English-language election materials, including mail-in ballots, in-person ballots, and other voting instructions and materials. These individuals require assistance to vote in person or by mail-in ballot, if eligible to do so. OCA-GH serves its members and the AAPI community by facilitating and providing assistants who read and speak languages other than English to assist voters with reading and understanding election materials, including mail-in and in-person ballots. OCA-GH provides some of these assistants with benefits or compensation both as part of its broader activities, and to encourage more individuals to serve as assistants for voters in need. OCA-GH's members and the communities they serve will be harmed by the drastic illegal restrictions contained within SB1 on the ability to provide assistance to voters with mail-in ballots and in the course of the normal voter engagement that OCA-GH practices.

While the following is not an exhaustive list of injured members, OCA-GH contends that the following members have been injured by the Texas Election Code provisions identified in Interrogatory No. 1:

Elizabeth Hwong and Sam Hwong are married and are both in their 80s. Mrs. Hwong is a board member of OCA-Greater Houston and Mr. Hwong is a member of OCA-Greater Houston. Prior to passage of SB 1 both had voted by mail numerous times, and both were eligible to vote by mail during both the March 2022 primary election and the November 2022 general election. However, both Mrs. and Mr. Hwong chose to cast their votes in person during the March 2022 primary and November 2022 general elections because they feared that their mail-balloting materials would be rejected due to complications caused by the ID matching provisions of SB 1, despite the significant personal risk of voting in person. They would both have voted by mail if not for SB 1.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections,

Plaintiff responds as follows:

- A. OCA-GH has expended time, money, and resources in combating SB1's passage. OCA-GH made expenditures to send members to Austin to attend rallies protesting the passage of SB1 and defending the right to vote.

Since the passage of SB1 and its going into effect on December 2, 2021, OCA-GH has had to devote significant time and resources into reshaping its practices in order to navigate SB1's unlawful provisions. OCA-GH's Civic Engagement Programs Director Deborah Chen and her staff have had to devote hours and hours of limited staff time to determining how the organization can continue their operations with SB1 making it more difficult and dangerous for OCA-GH's members and their communities to participate in the electoral process. OCA's work involves voter trainings, advocacy campaigns, voter assistance in transportation, education sessions, and ballot assistance, door knocking campaigns, appearance at candidate forums, and several other forms of voter assistance and education that all have had to be scrutinized, and in many cases modified, by Ms. Chen and her staff in order to avoid civil or criminal penalties from SB1's illegal and confusing provisions.

Given the far-reaching implications into the ability of organizations to offer assistance and education to voters contained in SB1, passage of the bill has forced OCA-GH to comb through all of the ways its programs could potentially violate the law, assess the new risk factors associated with their programs, train staff and then in turn volunteers on how the new laws impact their programs, and then conduct trainings on the operation of its newly modified programs. All of this scrutiny, training, and modifications to programming cost OCA-GH in staff time and in financial expenditures related to operation of its modified programming and will continue to cost the organization as OCA-GH anticipates significant diversion of its limited resources as SB1's implementation is carried out in the future.

- B. As a result of SB1, OCA-GH has had to significantly scale back its voter education and assistance efforts. Due to the possibility of civil and criminal penalties, and the confusing nature of the law's restrictions, OCA-GH has reduced or anticipates reducing its participation in voter outreach events, the information it provides to voters, the types of programming it pursues, and the scope of voters it seeks to target with its programming. Instead of assisting voters at candidate forums with mail-in ballot problems or registration issues, which was OCA-GH's usual practice, staff and volunteers are now merely referring voters to the Harris Co. website. This has led to instances such as one where an over 80-year old, high COVID-risk voter from the community OCA-GH serves, Sam Hwong, decided to vote in person because he worried that he could have problems obtaining a mail-in ballot, and OCA-GH was not able to assist him in obtaining one. For the March 2022 primary and the November 2022 general elections, and for upcoming elections, OCA-GH's door knocking volunteers limited and are limiting their valuable interactions with voters to just an "early voting alert" instead of engaging with the voter about any assistance they may require or directing them to voter education sessions, which

changes the character of these interactions to one of an entirely different kind and reduces their utility both for OCA-GH and the voters. These reductions in efforts do not allow OCA-GH the freedom to pursue other projects relevant to their voter outreach goals, as the drain on resources in responding to SB1 and designing programming that does not put the organization and its members at significant risk of civil or criminal penalties are anticipated to meet or exceed the costs that would be anticipated for OCA to conduct its activities without the interference of SB1. Spending time and resources on countermeasures to SB1 will force OCA-GH to spend less time and money on its normal programming efforts and will reach fewer voters overall.

- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. OCA-GH's mission: (1) to advocate for social justice, equal opportunity, and fair treatment; (2) to promote civic participation, education, and leadership; (3) to advance coalitions and community building; and (4) to foster cultural heritage. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;
- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to traditionally marginalized voters;” and
- D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; and (2) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;
- B. Explain how these burdens are immaterial; and
- C. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous new requirements for applying to vote by mail, and the types of cure processes provided for in-

person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff’s SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case by case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas’s statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing

the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;

3. Attorneys' fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which the Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit, please identify and describe with specificity, by plaintiff, each omission that you contend each Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objection, Plaintiff responds as follows:

Plaintiff seeks mandatory injunctive relief against the Texas Secretary of State requiring it to (a) issue guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required; (b) issue guidance that lack of an ID number or an ID-number mismatch on an application to vote by mail or a ballot is not grounds for rejecting the application or ballot; (c) prescribe the design and content of the forms necessary for elections that no longer contain the mail-in ballot ID provisions; (d) prescribe the design and content of the application to vote by mail and mail-in envelope that no longer contain the ID provisions; and/or (e) issue guidance to all county election administrators or equivalent county officials that waiving the ID requirements is a reasonable accommodation that may be granted for persons with disabilities. Plaintiff additionally seeks mandatory injunctive relief requiring the Texas Secretary of State to widely publicize any such guidance or changes in the operation of the law.

Plaintiff likewise seeks mandatory injunctive relief against the Travis County Clerk and the Harris County Elections Administrator requiring them to (a) use forms for mail-in applications and ballots that do not request ID numbers; (b) follow the Texas Secretary of State's guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required and that lack of ID number or mismatch of ID number are not grounds to reject an application to vote by mail or ballot by mail; (d) widely publicize that the ID requirements for mail-in applications and ballots are no longer valid; and/or (e) grant requests to waive the ID requirements as a reasonable accommodation for persons with disabilities.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR RESPONSES TO INTERROGATORIES


I, Deborah Chen, verify under penalty of perjury under the laws of the United States of America that the foregoing third amended responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Deborah Chen

Name

Civic Engagement Programs Director

Title

A handwritten signature in dark ink, appearing to be 'D Chen', written over a horizontal line.

Signature

03/21/2023

Date

On behalf of OCA-Greater Houston

Exhibit 10

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

	§	
OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

	§	
HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

	§	
LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	
	§	
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UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	
	§	
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**PLAINTIFF LEAGUE OF WOMEN VOTERS OF TEXAS’S AMENDED
OBJECTIONS AND RESPONSES TO STATE DEFENDANTS’ FIRST SET OF
INTERROGATORIES**

TO: Defendants Texas Secretary of State John Scott and Texas Attorney General Ken Paxton (“State Defendants”) by and through its attorneys of record Patrick K. Sweeten, William T. Thompson, Eric A. Hudson, Kathleen T. Hunker, Leif A. Olson, Jeffrey M. White, and Jack B. DiSorbo, via e-mail to patrick.sweeten@oag.texas.gov.

Pursuant to Federal Rule of Civil Procedure 33, Plaintiff League of Women Voters of Texas (“LWVTX”), hereby serves the following Amended Objections and Responses to State Defendants’ First Set of Interrogatories.

Dated: April 25, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2022, a true and correct copy of the foregoing *Plaintiff League of Women Voters of Texas's Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Zachary Dolling

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff therefore reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative," which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the

terms “representative” and “agents” are vague and call for legal conclusions. Plaintiff further objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- c. A document, to the extent that it expands the scope of discovery to include

materials and information that are not within Plaintiff's possession, custody, and control and imposes burdens that are not proportional to the needs of this case.

- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."
- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain

incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"):

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)
7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.04: Amends Tex. Election Code § 64.034
11. SB 1 § 6.06: Amends Tex. Election Code § 86.0105
12. SB 1 § 7.04: Adds Tex. Election Code §§ 276.015, 276.016, 276.017, 276.018, and 276.019

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff's members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint (“SAC”) (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting and voter assistance, and the criminal and civil penalties associated with those provisions.

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter’s eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver’s license, Texas election identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications for the March 2022 primary due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because they have diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staffing to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver’s license

number or Social Security number but are unable to access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶¶ 117–118 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.04 adds a requirement that voter assistants swear under penalty of perjury that “I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot” and no longer allows assistants to answer a voter’s questions, help the voter navigate the polling place, or provide any other type of assistance that might be necessary for individuals with disabilities or with limited English proficiency. Plaintiff lists examples of additional specific types of assistance needed in SAC ¶¶ 154–160. In addition, SB 1 Section 6.06 creates a strict liability, state jail felony that criminalizes the provision of assistance by anyone who “solicits, receives, or accepts compensation” for assisting a voter with its mail-in ballot. Plaintiff lists specific injuries in SAC ¶¶ 167–168 and its response to Interrogatory No. 4.

Before SB 1, the Texas Elections Code already prohibited improper influencing or electioneering. Section 7.04 of SB 1 goes much further to criminalize paid ballot collection services and paid interactions with voters in the presence of an official ballot, which the bill derogatorily labels as “vote harvesting,” creating a third-degree felony. Section 7.04 imposes criminal and civil penalties on any person who gives or receives some “compensation or other benefit” for “knowingly provid[ing] or offer[ing] to provide vote harvesting services,” defined as any “in-person interaction with one or more voters, in the physical presence of” and “directly involving” any “official ballot or a ballot voted by mail,” which are “intended” “to deliver votes for [or against] a specific candidate or measure.” This provision is substantially overbroad and vague, infringing on Plaintiff’s core political speech and subjecting Plaintiff to potential arbitrary and/or selective prosecution without prior notice of precisely what activities are illegal, as well as possible civil claims by candidates. Plaintiff lists specific injuries in SAC ¶¶ 208 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 22, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX has approximately 3,050 members across Texas. A large number of these members participate in LWVTX's election-related programs, such as registering people to vote, participating in get out the vote ("GOTV") events, canvassing or "doorknocking," serving as election workers, assisting individual voters, and hosting nonpartisan issue or candidate forums.

In 2020, LWVTX surveyed its members and determined that hundreds of its members chose to vote by mail due to age or disability. LWVTX has members who have been or will be harmed by SB1's provisions requiring an application for ballot by mail or mail-in ballot to be automatically rejected when a voter omits their ID number or makes a mistake in entering their ID number. Some of these members are disabled.

LWVTX also has members who will be harmed by SB 1's drastic illegal restrictions on the right to select an assistant of their choice and have assistance in all aspects of the voting process. LWVTX has members who need assistance either due to disability or limited English proficiency and who have used assistants when voting in the past. In every election, the League encourages all of their members, including members with disabilities and limited English proficiency to vote.

LWVTX members who have been harmed by SB 1 include:

Pam Gaskin is a League member. She is 74 years old and lives in Missouri City. In the March 2022 primary election, she filled out her vote by mail application with her driver's license number. Her application was rejected because her voter registration file included only her social security number. She had to submit a new application with her social security number.

Madeleine Appel is a League member. She is 85 years old and lives in Travis County. In the March 2022 primary election, her ballot to vote by mail was rejected, despite listing both her driver's license number and her social security number. She was told the identification number she listed did not match the number she used to register to vote. She submitted a second mail in ballot, but was unable to verify whether the ballot was received and counted.

Janet Eickmeyer is a League member. She is 75 years old and lives in Richardson. In the March 2022 primary election, her application to vote by mail was rejected twice. She used her social security number on her first application to vote by mail, but it was rejected because it did not match the number in her voter file. She applied again with both her driver's license and social security number. This was also rejected. She had to call the Dallas County Clerk's office, who confirmed the rejection, but then approved the application without any explanation. The Dallas County Clerk's office stated that her ballot had been counted, but the Secretary of State's website states that no voter can be found when she tries to input her information.

Jeannie Lewis is a League member. She is 80 years old, lives in San Marcos, and has a disability. Her application to vote by mail was rejected. When she applied for a mail in ballot before the 2022 primary election, she used her driver's license number. The application was rejected because the identification number did not match the number on file. In order to correct this, Ms. Lewis had to re-register to vote with her driver's license number. Subsequently, her mail in ballot was rejected because she did not write her identification number on the envelope flap. Because it was rejected close to the election, she had to go in person to correct the ballot.

Julie Espinoza is a League member who has a disability. She is a juvenile rheumatoid arthritis wheelchair user. She needs an assistant to vote in person but is concerned that anyone who assists her could be accused of violating SB 1, so she no longer wants to vote in person. Although she attempted to begin the process to apply to vote by mail, she ultimately did not vote in the March 2022 primary election.

- A. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 22, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX has expended time, money, and resources in combating SB 1’s passage, as well as combatting the passage of SB 1’s predecessor bills from the regular session—SB 7 and HB 6. LWV members attended public testimony trainings, recruited other testifiers, testified at public hearings of the Texas House and Senate, wrote letters and op-eds against SB 1 and its predecessors, organized email writing campaigns, and organized a rally defending the right to vote.

Since SB 1 went into effect on December 2, 2021, LWVTX has had to devote significant personnel time and resources into helping members and the public navigate SB 1’s new provisions. Starting on approximately November 1, 2021,

LWVTX’s President, Grace Chimene, has had to devote the vast majority of her time to SB 1. Two other LWVTX Board members and the LWVTX Voting Rights Issue Chair have also spent the majority of their time addressing the challenges that SB 1 presents to voters and elections, and other paid staff have also devoted time to SB 1. In particular, Ms. Chimene and other LWVTX volunteers have had to spend their dedicated time on educating LWVTX members and the public about SB 1’s new requirements and restrictions. For example, Ms. Chimene has had to: create social media posts and YouTube about mail-in ballot applications and voting by mail processes affected by SB 1; put together PowerPoint presentations regarding the ways

the vote by mail process has changed as a result of SB 1; host webinars about voting by mail in light of SB 1 and SB 1's provisions as a whole; review county websites to ensure that the voter information is updated as required by SB 1; answer members' questions about SB 1's driver's license/ social security number requirements for applying to vote by mail; brief local leagues on the effects of SB 1; and host webinars with other organizations about voting by mail and SB 1 as a whole. Doing all of this took significant time and often multiple attempts. For example, the initial educational video that the LWVTX assembled in light of SB 1 just reflected what SB 1 itself contained. However, after receiving belated guidance from the Secretary of State instructing that it would be more prudent to include both a driver's license number and a social security number on the application to vote by mail, the LWVTX had to make changes to the educational materials, website information, tips for voters materials, and graphics.

As part of her commitment to educating the public, Ms. Chimene has also devoted significant time to speaking to the media about the confusion caused by the new voting restrictions and requirements imposed by SB 1. Coordinating these interviews, preparing for them, and participating in them has taken a significant amount of personnel time. Overall, answering the public's questions about SB 1 consumes the vast majority of Ms. Chimene's time.

Beyond personnel time, LWVTX's response to SB 1 has also caused it to expend financial resources. As a result of all of the turmoil caused by SB 1's passage and the amount of the President's time it has consumed, the LWVTX's board of directors approved \$46,000 to hire a brand new communications staff member and \$10,000 to pay for recruitment and orientation. This communications staff member would not have been needed if the President had not had to respond to SB 1, since the President has historically handled LWVTX's communications efforts. Additionally, LWVTX has had to expend financial resources on producing materials reflecting changes in the law related to SB 1, including the voters' guide.

- B. As a result of SB 1, LWVTX has had to significantly scale back its Get Out the Vote (GOTV) efforts. Rather than focusing on designing and disseminating materials on topics such as encouraging friends and family to vote, supporting college students in voting, finding one's polling place, and voting dates, LWVTX has had to focus on designing and disseminating materials regarding challenges with the vote-by-mail process as a result of SB 1 and other restrictions related to SB 1. Additionally, LWVTX has been forced to reduce its outreach to young voters, including encouraging voter registration at high schools, because they have had to focus on voters more likely to be affected by the challenged provisions of SB 1. LWVTX volunteers now spend significant portions of their time explaining to members and the public how to navigate the new vote by mail application process and teaching them how to use the Track My Ballot page in addition to answering questions about other provisions of SB 1, including the new rules surrounding assistants.

Further, the time expended to challenge and educate the public about SB 1 caused

LWVTX to table a planned study to assess the impact of election administration and technology, including voting by mail and cybersecurity measures. Given the intensity of discourse during the extended 2021 legislative season around SB 1, and the final massive changes to the Texas Election Code, the resources for the study were diverted to responding to widespread requests for detailed information during the legislative sessions and addressing the impact of SB 1 once it went into effect.

- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 22, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX is a nonpartisan, grassroots civic organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy, including by empowering voters and defending democracy by expanding voter registration, increasing voter turnout, and providing voter education. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 22, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;

- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to traditionally marginalized voters;” and
- D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; (2) permitting voters to receive assistance at the polls, particularly for voters with a disability or who are not fluent in English; and (3) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that voting by mail, permitting assistance at the polls, and permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 22, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;
- B. Explain how these burdens are immaterial; and
- C. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous new requirements for applying to vote by mail, and the types of cure processes provided for in-person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and

D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff’s SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case by case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas’s statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;
3. Attorneys’ fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which the Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit, please identify and describe with specificity, by plaintiff, each omission that you contend each

Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR RESPONSES TO INTERROGATORIES

I Grace Chimene verify under penalty of perjury under the laws of the United States of America that the foregoing amended responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Grace Chimene
Name

president
Title

Grace Chimene
Signature

4-25-22
Date

On behalf of the League of Women Voters of Texas

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

	§	
OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

	§	
HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

	§	
LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	
	§	
<hr/>		
UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	
	§	
<hr/>		

**PLAINTIFF LEAGUE OF WOMEN VOTERS OF TEXAS’S THIRD
AMENDED OBJECTIONS AND RESPONSES TO STATE DEFENDANTS’
FIRST SET OF INTERROGATORIES**

TO: Defendants Texas Secretary of State Jane Nelson and Texas Attorney General Ken Paxton (“State Defendants”) by and through their attorneys of record, Kathleen T. Hunker and J. Aaron Barnes via e-mail to kathleen.hunker@oag.texas.gov and aaron.barnes@oag.texas.gov.

Pursuant to Federal Rule of Civil Procedure 26 and 33, Plaintiff League of Women Voters of Texas (“LWVTX”), hereby serves the following Third Amended Objections and Responses to State Defendants’ First Set of Interrogatories.

Dated: March 31, 2023

Respectfully Submitted,

By: /s/ Zachary Dolling

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COUNSEL FOR OCA- GREATER HOUSTON PLAINTIFFS.

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2023, a true and correct copy of the foregoing *Plaintiff League of Women Voters of Texas's Third Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Zachary Dolling

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff therefore reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative," which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the

terms “representative” and “agents” are vague and call for legal conclusions. Plaintiff further objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- c. A document, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control and imposes burdens that are not proportional to the needs of this case.

- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."
- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"): ¹

¹ In its Second Amended Complaint Plaintiff challenged SB 1 § 6.04 (amending Tex. Election Code § 64.034). The district court, in its order largely denying State Defendants' motion to dismiss Plaintiff's claims, held that a modified injunction in a different case, *OCA-Greater Houston v. Texas*, 1:15-cv-679-RP, 2022 WL 2019295 (W.D. Tex. June 6, 2022), mooted Plaintiff's Section 6.04 claims against State Defendants. *See* Dkt. 448 at 33 & n.18. Plaintiff has amended its interrogatory answers to reflect this.

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)
7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.06: Amends Tex. Election Code § 86.0105
11. SB 1 § 7.04: Adds Tex. Election Code §§ 276.015, 276.016, 276.017, 276.018, and 276.019

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff’s members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint (“SAC”) (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting and voter assistance, and the criminal

and civil penalties associated with those provisions.

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter's eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.08, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver's license, Texas election identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications and ballots for the March 2022 primary and November 2022 general election due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because it has diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions' new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staff to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver's license number or Social Security number but are unable to access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in application accepted and ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶¶ 117–118 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.06 creates a strict liability,

state jail felony that criminalizes the provision of assistance by anyone who “solicits, receives, or accepts compensation” for assisting a voter with their mail-in ballot. Plaintiff lists specific injuries in SAC ¶¶ 167–168 and its response to Interrogatory No. 4.

Before SB 1, the Texas Elections Code already prohibited improper influencing or electioneering. Section 7.04 of SB 1 goes much further to criminalize paid ballot collection services and paid interactions with voters in the presence of an official ballot, which the bill derogatorily labels as “vote harvesting,” creating a third-degree felony. Section 7.04 imposes criminal and civil penalties on any person who gives or receives some “compensation or other benefit” for “knowingly provid[ing] or offer[ing] to provide vote harvesting services,” defined as any “in-person interaction with one or more voters, in the physical presence of” and “directly involving” any “official ballot or a ballot voted by mail,” which are “intended” “to deliver votes for [or against] a specific candidate or measure.” This provision is substantially overbroad and vague, infringing on Plaintiff’s core political speech and subjecting Plaintiff to potential arbitrary and/or selective prosecution without prior notice of precisely what activities are illegal, as well as possible civil claims by candidates. Plaintiff lists specific injuries in SAC ¶¶ 208 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and
B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members

outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX has approximately 3,050 members across Texas. A large number of these members participate in LWVTX's election-related programs, such as registering people to vote, participating in get out the vote ("GOTV") events, canvassing or "doorknocking," serving as election workers, assisting individual voters, and hosting nonpartisan issue or candidate forums.

In 2020, LWVTX surveyed its members and determined that hundreds of its members chose to vote by mail due to age or disability. LWVTX has members who have been or will be harmed by SB1's provisions requiring an application for ballot by mail or mail-in ballot to be automatically rejected when a voter omits their ID number or makes a mistake in entering their ID number. Some of these members are disabled.

LWVTX also has members who will be harmed by SB 1's drastic illegal restrictions on the right to select an assistant of their choice and have assistance when voting by mail. LWVTX has members who need assistance either due to disability or limited English proficiency and who have used assistants when voting in the past. In every election, the League encourages all of their members, including members with disabilities and limited English proficiency to vote.

While the following is not an exhaustive list of injured members, LWVTX contends the following members have been injured by the Texas Election Code provisions identified in Interrogatory No. 1:

Pam Gaskin: Ms. Gaskin is a League member. She is approximately 74 years old and lives in Missouri City. In the March 2022 primary election, she filled out her vote by mail application with her driver's license number. Her application was rejected because her voter registration file included only her social security number. She had to submit a new application with her social security number.

Madeleine Appel: Ms. Appel is a League member. She is approximately 85 years old and lives in Travis County. In the March 2022 primary election, her ballot to vote by mail was rejected, despite listing both her driver's license number and her social security number. She was told the identification number she listed did not match the number she used to register to vote. She submitted a second mail in ballot, but was unable to verify whether the ballot was received and counted.

Janet Eickmeyer: Ms. Eickmeyer is a League member. She is approximately 75 years old and lives in Richardson. In the March 2022 primary election, her application to vote by mail was rejected twice. She used her social security number on her first application to vote by mail, but it was rejected because it did not match the number in her voter file. She applied again with both her driver's license and social security number. This was also rejected. She had to call the Dallas County Clerk's office, who confirmed the rejection, but then approved the application without any explanation. The Dallas County Clerk's office stated that her ballot had been counted, but the Secretary of State's website stated that no voter could be found when she tried to input her information.

Jeannie Lewis: Ms. Lewis is a League member. She is approximately 80 years old, lives in San Marcos, and has a disability. Her application to vote by mail was rejected. When she applied for a mail in ballot before the 2022 primary election, she used her driver's license number. The application was rejected because the identification number did not match the number on file. In order to correct this, Ms. Lewis had to re-register to vote with her driver's license number. Subsequently, her mail in ballot was rejected because she did not write her identification number on the envelope flap. Because it was rejected close to the election, she had to go in person to correct the ballot.

Julie Espinoza: Ms. Espinoza is a League member who has a disability. She is a juvenile rheumatoid arthritis wheelchair user. She needs an assistant to vote in person but is concerned that anyone who assists her could be accused of violating SB 1, so she no longer wants to vote in person. Although she attempted to begin the process to apply to vote by mail, she ultimately did not vote in the March 2022 primary election.

Lorena Maher: Ms. Maher is a member of the League of Women Voters of Texas and is a person with a disability. She resides in Pasadena, Texas, and votes by mail. Her disability makes it difficult for her to read and write her identification numbers when voting by mail due to limited vision and decreased motor function. She was eligible to, and did, vote by mail during the November 2022 general election.

Patricia Buck: Ms. Buck is a member of the League of Women Voters of Texas and is a person with diabetes. She is 70 years old and resides in Harris County. In 2022, she wanted to start voting by mail because she and her husband have difficulty standing for a long time, including at polling locations. However, she was deterred from voting by mail because of concerns about rejection rates and privacy concerns related to the new identification requirements. As a result, she voted in person during the 2022 March primary and November general elections.

Milan Suarez: Ms. Suarez is a member of the League of Women Voters of Texas. She is a college student attending school in the State of Washington; she maintains her residency in Harris County and accordingly votes by mail in Texas elections. In the November 2022 general election, the Harris County Elections Administrator mailed

a notice to her Washington mailing address that her application to vote by mail was rejected because there was no acceptable identification number associated with her voter registration file. Subsequently, and after some delay, the Harris County Elections Administrator mailed her ballot to her Harris County residence address, which her family then forwarded to her. She is unsure whether her ballot was ultimately received on time or counted.

- A. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX has expended time, money, and resources in combating SB 1’s passage, as well as combatting the passage of SB 1’s predecessor bills from the regular session—SB 7 and HB 6. LWV members attended public testimony trainings, recruited other

testifiers, testified at public hearings of the Texas House and Senate, wrote letters and op-eds against SB 1 and its predecessors, organized email writing campaigns, and organized a rally defending the right to vote.

Since SB 1 went into effect on December 2, 2021, LWVTX has had to devote significant personnel time and resources into helping members and the public navigate SB 1's new provisions. Starting on approximately November 1, 2021, LWVTX's President, Grace Chimene, had to devote significant time to SB 1. Grace Chimene's term as LWVTX President ended in 2022. The subsequent LWVTX President, Joyce LeBombard, has also had to devote significant time to addressing the effects of SB1. Two other LWVTX Board members and the LWVTX Voting Rights Issue Chair have also spent the majority of their time addressing the challenges that SB 1 presents to voters and elections, and other paid staff have also devoted time to SB 1. In particular, the LWVTX President and other LWVTX volunteers have had to spend their dedicated time on educating LWVTX members and the public about SB 1's new requirements and restrictions. For example, the LWVTX President has had to: create social media posts and YouTube about mail-in ballot applications and voting by mail processes affected by SB 1; put together PowerPoint presentations regarding the ways the vote by mail process has changed as a result of SB 1; host webinars about voting by mail in light of SB 1 and SB 1's provisions as a whole; review county websites to ensure that the voter information is updated as required by SB 1; answer members' questions about SB 1's driver's license/ social security number requirements for applying to vote by mail; brief local leagues on the effects of SB 1; host webinars with other organizations about voting by mail and SB 1 as a whole; and advocate for the Texas Legislature to repeal SB1. Doing all of this has taken significant time and often multiple attempts. For example, the initial educational video that the LWVTX assembled in light of SB 1 just reflected what SB 1 itself contained. However, after receiving belated guidance from the Secretary of State instructing that it would be more prudent to include both a driver's license number and a social security number on the application to vote by mail, the LWVTX had to make changes to the educational materials, website information, tips for voters materials, and graphics.

As part of her commitment to educating the public, the LWVTX President has also devoted significant time to speaking to the media about the confusion caused by the new voting restrictions and requirements imposed by SB 1. Coordinating these interviews, preparing for them, and participating in them has taken a significant amount of personnel time.

Beyond personnel time, LWVTX's response to SB 1 has also caused it to expend financial resources. As a result of all of the turmoil caused by SB 1's passage and the amount of the President's time it has consumed, the LWVTX's board of directors approved \$46,000 to hire a brand new communications staff member and \$10,000 to

pay for recruitment and orientation. This communications staff member would not have been needed if the President had not had to respond to SB 1, since the President has historically handled LWVTX's communications efforts. Additionally, LWVTX has had to expend financial resources on producing materials reflecting changes in the law related to SB 1, including the voters' guide.

- B. As a result of SB 1, LWVTX has had to significantly scale back its Get Out the Vote (GOTV) efforts. Rather than focusing on designing and disseminating materials on topics such as encouraging friends and family to vote, supporting college students in voting, finding one's polling place, and voting dates, LWVTX has had to focus on designing and disseminating materials regarding challenges with the vote-by-mail process as a result of SB 1 and other restrictions related to SB 1. Additionally, LWVTX has been forced to reduce its outreach to young voters, including encouraging voter registration at high schools, because they have had to focus on voters more likely to be affected by the challenged provisions of SB 1. LWVTX volunteers now spend significant portions of their time explaining to members and the public how to navigate the new vote by mail application process and teaching them how to use the Track My Ballot page in addition to answering questions about other provisions of SB 1, including the new rules surrounding assistants.

Further, the time expended to challenge and educate the public about SB 1 caused LWVTX to table a planned study to assess the impact of election administration and technology, including voting by mail and cybersecurity measures. Given the intensity of discourse during the extended 2021 legislative season around SB 1, and the final massive changes to the Texas Election Code, the resources for the study were diverted to responding to widespread requests for detailed information during the legislative sessions and addressing the impact of SB 1 once it went into effect.

- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of

Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. LWVTX is a nonpartisan, grassroots civic organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy, including by empowering voters and defending democracy by expanding voter registration, increasing voter turnout, and providing voter education. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;
- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to traditionally marginalized voters;” and
- D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; and (2) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that

permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.

- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 14, 2022, April 22, 2022, May 13, 2022, September 13, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;
- B. Explain how these burdens are immaterial; and
- C. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous new requirements for applying to vote by mail, and the types of cure processes provided for in- person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case by case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information

responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas's statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;
3. Attorneys' fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which the Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit, please identify and describe with specificity, by plaintiff, each omission that you contend each Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objection, Plaintiff responds as follows:

Plaintiff seeks mandatory injunctive relief against the Texas Secretary of State requiring it to (a) issue guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required; (b) issue guidance that lack of an ID number or an ID-number mismatch on an application to vote by mail or a ballot is not grounds for rejecting the application or ballot; (c) prescribe the design and content of the forms necessary for elections that no longer contain the mail-in ballot ID provisions; (d) prescribe the design and content of the application to vote by mail and mail-in

envelope that no longer contain the ID provisions; and/or (e) issue guidance to all county election administrators or equivalent county officials that waiving the ID requirements is a reasonable accommodation that may be granted for persons with disabilities. Plaintiff additionally seeks mandatory injunctive relief requiring the Texas Secretary of State to widely publicize any such guidance or changes in the operation of the law.

Plaintiff likewise seeks mandatory injunctive relief against the Travis County Clerk and the Harris County Elections Administrator requiring them to (a) use forms for mail-in applications and ballots that do not request ID numbers; (b) follow the Texas Secretary of State's guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required and that lack of ID number or mismatch of ID number are not grounds to reject an application to vote by mail or ballot by mail; (d) widely publicize that the ID requirements for mail-in applications and ballots are no longer valid; and/or (e) grant requests to waive the ID requirements as a reasonable accommodation for persons with disabilities.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR RESPONSES TO INTERROGATORIES

I, Joyce LeBombard, verify under penalty of perjury under the laws of the United States of America that the foregoing second amended responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Joyce LeBombard

Name

President

Title


Signature

3/21/23

Date

On behalf of the League of Women Voters of Texas

Exhibit 11

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	
	§	
<hr/>		
UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	
	§	
<hr/>		

**PLAINTIFF REVUP TEXAS’ AMENDED OBJECTIONS AND RESPONSES TO
STATE DEFENDANTS’ FIRST SET OF INTERROGATORIES**

TO: Defendants Texas Secretary of State John Scott and Texas Attorney General Ken Paxton (“State Defendants”) by and through its attorneys of record Patrick K. Sweeten, William T. Thompson, Eric A. Hudson, Kathleen T. Hunker, Leif A. Olson, Jeffrey M. White, and Jack B. DiSorbo, via e-mail to patrick.sweeten@oag.texas.gov.

Pursuant to Federal Rules of Civil Procedure 33, 34, and 36, Plaintiff REVUP-Texas (“REVUP”) hereby serves the following Amended Objections and Responses to State Defendants’ First Set of Interrogatories.

Dated: April 5, 2022

Respectfully Submitted,

/s/ Sarah Chen

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Hani Mirza

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COUNSEL FOR PLAINTIFF

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2022, a true and correct copy of the foregoing *Plaintiff REVUP-Texas' Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Sarah Chen

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff therefore reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative," which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the

terms “representative” and “agents” are vague and call for legal conclusions. Plaintiff further objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- c. A document, to the extent that it expands the scope of discovery to include

materials and information that are not within Plaintiff's possession, custody, and control and imposes burdens that are not proportional to the needs of this case.

- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."
- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain

incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"):

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)
7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.04: Amends Tex. Election Code § 64.034
11. SB 1 § 6.06: Amends Tex. Election Code § 86.0105

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff's members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint (“SAC”) (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting and voter assistance, and the criminal and civil penalties associated with those provisions.

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter’s eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver’s license, Texas election identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications for the March 2022 primary due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because they have diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions’ new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staffing to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver’s license

number or Social Security number but are unable to access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶¶ 119 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.04 adds a requirement that voter assistants swear under penalty of perjury that “I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot” and no longer allows assistants to answer a voter’s questions, help the voter navigate the polling place, or provide any other type of assistance that might be necessary for individuals with disabilities or with limited English proficiency. Plaintiff lists examples of additional specific types of assistance needed in SAC ¶¶ 154–160. In addition, SB 1 Section 6.06 creates a strict liability, state jail felony that criminalizes the provision of assistance by anyone who “solicits, receives, or accepts compensation” for assisting a voter with its mail-in ballot. Plaintiff lists specific injuries in SAC ¶¶ 166 and its response to Interrogatory No. 4.

Before SB 1, the Texas Elections Code already prohibited improper influencing or electioneering. Section 7.04 of SB 1 goes much further to criminalize paid ballot collection services and paid interactions with voters in the presence of an official ballot, which the bill derogatorily labels as “vote harvesting,” creating a third-degree felony. Section 7.04 imposes criminal and civil penalties on any person who gives or receives some “compensation or other benefit” for “knowingly provid[ing] or offer[ing] to provide vote harvesting services,” defined as any “in-person interaction with one or more voters, in the physical presence of” and “directly involving” any “official ballot or a ballot voted by mail,” which are “intended” “to deliver votes for [or against] a specific candidate or measure.” This provision is substantially overbroad and vague, infringing on Plaintiff’s core political speech and subjecting Plaintiff to potential arbitrary and/or selective prosecution without prior notice of precisely what activities are illegal, as well as possible civil claims by candidates. Plaintiff lists specific injuries in SAC ¶¶ 208–210 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 4, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. REVUP has at approximately 500 members, who are primarily individuals with disabilities and are eligible to vote by mail and eligible to receive assistance while voting. Some of REVUP's members also serve as assistants to persons needing assistance to vote due to a disability. REVUP members with disabilities participate in and help guide the direction of the organization's efforts. These members have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1 because these provisions burden and limit people who provide necessary assistance to voters, which in turn will unduly burden REVUP members who cannot vote without such assistance. In addition, REVUP members have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1 because these provisions burden and limit the ability to vote by mail by requiring identification information that members either do not have access to or cannot correctly provide thereby eliminating the option to vote by mail for these members. For some REVUP members, voting by mail is the only way they are able to vote. Plaintiffs' Second Amended Complaint details three examples of REVUP members who have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1. SAC ¶¶ 169–173.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. REVUP has expended time, money, and resources in combating SB 1's passage. REVUP's members attended public testimony trainings, recruited other testifiers, testified at public hearings of the Texas House and Senate, wrote letters against SB 1, organized email writing campaigns, and attended a rally defending the right to vote.

Since SB 1 went into effect on December 2, 2021, REVUP has had to devote significant time and resources to educate members and the public to navigate SB 1's new provisions. Starting on approximately November 1, 2021, Bob Kafka, REVUP's coordinator, has had to devote the vast majority of his time to SB 1. In particular, Mr. Kafka and at least five other REVUP volunteers have had to work a significant amount of time on educating REVUP members and the public about SB 1's new requirements and restrictions. For example, REVUP volunteers have had to spend time: creating a podcast regarding changes and barriers in SB 1, updating the REVUP website to reflect the changes of SB 1, creating social media posts about SB 1, answering media inquiries about the impact of SB 1 on voters with disabilities, answering questions from members and the public about the mail-in ballot identification requirements and the restrictions on assistance, referring members to additional legal resources regarding their SB 1 questions, drafting and sending out information about the identification issues and application to vote by mail and ballot rejection, and doing media outreach and PSAs to get out the vote (“GOTV”) to combat the

barriers created by SB 1. Doing all of this took significant time and took away from the time Mr. Kafka could devote to the organization's mission.

Because of REVUP's reputation as a disability advocacy organization, Mr. Kafka has also devoted significant time to receiving media requests and speaking to the media about the confusion caused by the restrictions and requirements imposed by SB 1. Coordinating these interviews, preparing for them, and participating in them has taken a significant amount of time.

Beyond volunteer time, REVUP's response to SB 1 has also caused it expend financial resources. REVUP has had to expend financial resources on paying its webmaster to update its website and paying for American Sign Language interpreters for its SB 1 podcast and trainings.

- B. As a result of SB 1, REVUP has had to significantly scale back its voter registration and GOTV efforts. Rather than focusing on designing and disseminating materials on topics impacting people with disabilities, REVUP has had to focus on designing and disseminating materials regarding challenges with the vote-by-mail process as a result of SB 1 and the assistance provision. REVUP is a nonpartisan organization whose mission it is to register voters with disabilities, to encourage them to get educated on the issues, and to vote. REVUP has had to scale back on these efforts in order to focus on SB 1. Further, the time required to challenge and educate the public about SB 1 has also caused Rev Up to slow down and shrink the planning for a previously planned project called the Texas Disability Issues Forum.
- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The mission of REVUP is to conduct outreach, educate, and disseminate information to

people with disabilities, family members, supporters, professionals, the general public, and policymakers on issues affecting the integration of people with disabilities of all ages into every aspect of community living, including by increasing voter turnout in the disability community and advancing political change. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;
- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to traditionally marginalized voters;” and
- D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; (2) permitting voters to receive assistance at the polls, particularly for voters with a disability or who are not fluent in English; and (3) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that voting by mail, permitting assistance at the polls, and permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;

- B. Explain how these burdens are immaterial; and
- C Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous new requirements for applying to vote by mail, and the types of cure processes provided for in-person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff’s SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case-by-case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas’s statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;
3. Attorneys’ fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which the Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit,

please identify and describe with specificity, by plaintiff, each omission that you contend each Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR RESPONSES TO INTERROGATORIES

I Bob Kafka verify under penalty of perjury under the laws of the United States of America that the foregoing responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Bob Kafka
Name

Coordinator
Title

Bob Kafka
Signature

4/15/22
Date

On behalf of REVUP Texas

**IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF TEXAS SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0844-XR
	§	
GREGORY W. ABBOTT, et al.,	§	
Defendants.	§	

	§	
OCA-GREATER HOUSTON, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0780-XR
	§	
JOSE A. ESPARZA, et al.,	§	
Defendants.	§	

	§	
HOUSTON JUSTICE, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-0848-XR
	§	
GREGORY WAYNE ABBOTT, et al.,	§	
Defendants.	§	

	§	
LULAC TEXAS, et al.,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 1:21-CV-0786-XR
	§	
JOSE ESPARZA, et al.,	§	
Defendants.	§	

	§	
MI FAMILIA VOTA, et al.,	§	
Plaintiff,	§	
	§	

v.	§	Case No. 5:21-CV-0920-XR
	§	
GREG ABBOTT, et al.,	§	
Defendants.	§	

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	Case No. 5:21-CV-01085-XR
	§	
STATE OF TEXAS, et al.,	§	
Defendants.	§	

**PLAINTIFF REVUP TEXAS' THIRD AMENDED OBJECTIONS AND RESPONSES TO
STATE DEFENDANTS' FIRST SET OF INTERROGATORIES**

TO: Defendants Texas Secretary of State Jane Nelson and Texas Attorney General Ken Paxton ("State Defendants") by and through their attorneys of record, Kathleen T. Hunker and J. Aaron Barnes via e-mail to kathleen.hunker@oag.texas.gov and aaron.barnes@oag.texas.gov.

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff REVUP-Texas ("REVUP") hereby serves the following Second Amended Objections and Responses to State Defendants' First Set of Interrogatories.

Dated: March 31, 2023

Respectfully Submitted,

/s/ Zachary Dolling

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COUNSEL FOR OCA-GREATER HOUSTON PLAINTIFFS.

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2023, a true and correct copy of the foregoing *Plaintiff REVUP-Texas' Third Amended Objections and Responses to State Defendants' First Set of Interrogatories* was served upon counsel of record via email or mail.

/s/ Zachary Dolling

RESERVATION OF RIGHTS

Plaintiff has responded to these interrogatories based on the information currently available to it. Discovery, however, is not yet complete. Additional discovery and investigation may lead to additions to, changes in, or modification of these responses. Plaintiff, therefore, reserves its right to supplement, amend, revise, correct, modify, or clarify these responses as additional information becomes available.

Plaintiff makes its objections and responses in accordance with its interpretation and understanding of *State Defendants' First Set of Requests for Admission, Requests for Production, and Interrogatories* ("Requests") and in accordance with its current knowledge, understanding, and belief as to the facts and information available to it at the time of serving these responses. If State Defendants subsequently provide an interpretation of any of its Requests that differs from Plaintiff's understanding of the same, Plaintiff reserves its right to complete the discovery of facts in this case and rely at trial or in any other proceeding on documents and information in addition to the information provided herein, regardless of whether such information is newly discovered or newly in existence. It also reserves the right to amend, revise, correct, modify, or clarify its responses to properly respond to any interpretation State Defendants may give these Requests.

Plaintiff reserves its right to object on any grounds, at any time, to the admission or use of any response on any ground. Plaintiff is also willing to meet and confer about any of its objections or responses.

GENERAL OBJECTIONS

1. Plaintiff objects to these Requests, including the definitions and instructions, to the extent that they seek information or documents: (i) protected by attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity; (ii) not in Plaintiff's possession, custody, or control; and (iii) that are publicly available or already within State Defendants' possession. Any inadvertent disclosure of privileged or protected information is not intended to constitute a waiver of any privilege, protection, or immunity, or of any other ground for objecting. Plaintiff reserves the right to request the return or destruction of any documents that contain any inadvertent disclosures of privileged or protected information.

2. Plaintiff objects to these Requests to the extent they are duplicative when propounded to another plaintiff in this Lawsuit, including Plaintiffs outside of the OCA-Greater Houston, et al. Plaintiff group. To the extent that Plaintiff agrees to produce a document that is responsive to multiple Requests duplicated across multiple Plaintiffs, Plaintiff will only produce such documents once.

3. Plaintiff objects to the definitions of "Plaintiff," "you," and "your" as overly broad, unduly burdensome, and disproportionate to the needs of this case, to the extent that they define each party as including "any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative," which includes individuals unknown to Plaintiff. Plaintiff further objects to this definition because the terms "representative" and "agents" are vague and call for legal conclusions. Plaintiff further

objects to this definition to the extent that including “attorneys” calls for the disclosure of information subject to the attorney-client privilege, work product doctrine, or other applicable privilege or doctrine.

4. Plaintiff objects to the definition of “documents” as overly broad and as expanding the scope of discovery to include materials that are not within Plaintiff’s possession, custody, and control, and imposing burdens that are not proportional to the needs of this case.

5. Plaintiff objects to the definition of “identify” when referring to:

- a. A person, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- b. An organization, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody and control, and imposes burdens that are not proportional to the needs of this case, such as email addresses and contact information that are not within Plaintiff’s possession.
- c. A document, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff’s possession, custody, and control and imposes burdens that are not proportional to the needs of this case.
- d. A statement or communication, to the extent that it expands the scope of discovery to include materials and information that are not within

Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons "present" when the statement or communication was "made."

- e. A social media account, to the extent that it expands the scope of discovery to include materials and information that are not within Plaintiff's possession, custody, and control; imposes burdens that are not proportional to the needs of this case; and is vague, such as knowledge of all persons who "have access to" an account.

6. Plaintiff objects to the definition of "regarding," "relating to," and "pertaining to" as overbroad and unduly burdensome to the extent that these definitions expand the scope of discovery in a manner that is not proportional to the needs of the case.

7. Plaintiff objects to State Defendants' Requests to the extent that they improperly call for legal conclusions or legal arguments.

8. Plaintiff objects to State Defendants' Requests to the extent that they contain incorrect or disputed factual assumptions or legal conclusions and do not by virtue of its response, objection, or production of documents admit the underlying assumption or conclusion.

9. Plaintiff objects to State Defendants' Requests to the extent that they require the production of confidential business, proprietary, or trade secret information, or personal information concerning persons who are not parties to this litigation, to the extent this confidential information would not be covered by the protective order entered in this case.

10. Plaintiff objects to State Defendants' Requests to the extent that certain ones do not specify a time period. These are overbroad, burdensome, and vague.

11. Plaintiff objects to State Defendants' Requests, including the Definitions and Instructions contained therein, to the extent they are inconsistent with or seek to impose duties or require performance of acts broader in scope than those required by the Federal Rules of Civil Procedure, the Local Rules of the U.S. District Court for the Western District of Texas, and any other applicable rules, law or governing orders.

12. Plaintiff objects to the Requests to the extent they seek information prohibited from disclosure by law, rules, or protective orders.

13. These General Objections are incorporated into each of the specific responses and objections set forth below. No specific response or objection herein shall constitute a waiver, in whole or in part, of any of the foregoing General Objections. Plaintiff reserves the right at any time to revise, correct, supplement, or clarify the objections or responses set forth herein and any production made pursuant thereto.

PLAINTIFF'S OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each Texas Election Code provision that Senate Bill 1 amended and that you are challenging by the relevant section number of each Texas Election Code provision.

RESPONSE: Plaintiff is challenging the following provisions in the Texas Election Code that were amended by Senate Bill 1 ("SB 1"):¹

1. SB 1 § 5.02: Amends Tex. Election Code § 84.002
2. SB 1 § 5.03: Amended Tex. Election Code § 84.011(a)
3. SB 1 § 5.06: Amended Tex. Election Code § 84.035
4. SB 1 § 5.07: Amends Tex. Election Code § 86.001
5. SB 1 § 5.08: Amends Tex. Election Code § 86.002
6. SB 1 § 5.10: Amends Tex. Election Code § 86.015(c)

¹ In its Second Amended Complaint Plaintiff challenged SB 1 § 6.04 (amending Tex. Election Code § 64.034). The district court, in its order largely denying State Defendants' motion to dismiss Plaintiff's claims, held that a modified injunction in a different case, *OCA-Greater Houston v. Texas*, 1:15-cv-679-RP, 2022 WL 2019295 (W.D. Tex. June 6, 2022), mooted Plaintiff's Section 6.04 claims against State Defendants. *See* Dkt. 448 at 33 & n.18. Plaintiff has amended its interrogatory answers to reflect this.

7. SB 1 § 5.12: Adds Tex. Election Code § 87.0271
8. SB 1 § 5.13: Amends Tex. Election Code § 87.041
9. SB 1 § 5.14: Adds Tex. Election Code § 87.0411
10. SB 1 § 6.06: Amends Tex. Election Code § 86.0105

INTERROGATORY NO. 2: If you contend that you have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory because it seeks to require Plaintiff to marshal all its evidence at this stage in the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff interprets this interrogatory as asking only whether Plaintiff as an organization has been injured, since Interrogatory No. 3 asks about Plaintiff's members. Further as noted below, Plaintiff lists specific injuries in its response to Interrogatory No. 4—which Plaintiff hereby incorporates in response to Interrogatory No. 2. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. In its Second Amended Complaint ("SAC") (Dkt. 200), Plaintiff offers detailed facts supporting its contention that it will be injured by the challenged Texas Election Code provisions. SB 1 takes particular aim at voters with disabilities and voters with limited English proficiency—who, in Texas, are also overwhelmingly voters of color—and the organizations (including Plaintiff here) that represent, assist, and support these voters. Plaintiff promotes civic participation among its constituents and empowers them to vote through voter education and other initiatives. Plaintiff has been and will be forced to alter its voter education and volunteer training programs in light of the changes made to the Texas Election Code by SB 1. Namely, it must divert resources toward educating and helping staff, volunteers, and voters navigate those provisions' new burdensome restrictions on mail-in voting and voter assistance, and the criminal and civil penalties associated with those provisions

Before SB 1, to successfully apply to vote by mail, voters were required to fill out a robust application that included identifying information such as name, address, and date of birth. The voters certified that the information given in the application was true and affirmed its understanding that giving false information is a crime. To receive a vote-by-mail application, a voter must also have previously registered to vote, which again required the voter to provide a robust amount of personal information that county voter registrars use to determine the voter's eligibility. SB 1 needlessly added immaterial burdens to the process of voting by mail. Pursuant to Sections 5.02, 5.03, 5.06, 5.07, 5.08, 5.10, and 5.12 of SB 1, voters must additionally provide the number on either their Texas driver's license, Texas election

identification certificate, or Texas personal ID card on their mail-in ballot applications and on the ballot carrier envelopes used to return their ballot. SB 1 provides that if the voter has not been issued one of these numbers by the State of Texas, the voter may instead provide the last four digits of its Social Security number. If the voter has not been issued any of these numbers by the State of Texas or the Social Security Administration, the voter may sign a statement indicating that they have never been issued one of these numbers. Since the SAC was filed, county elections offices across the state have reported high rejection rates of mail-in ballot applications and ballots for the March 2022 primary and November 2022 general election due to the difficulty for voters to comply with these new immaterial ID number requirements. Plaintiff has already been injured and will continue to suffer injury due to these provisions because it has diverted and will continue to divert resources toward educating and helping staff, volunteers, and voters navigate those provisions' new burdensome restrictions on mail-in voting. Plaintiff will also need to divert staff to answer questions from voters who do not understand the new burdensome requirements. Additionally, Plaintiff will need to divert resources to inform individuals who have a driver's license number or Social Security number but are unable to access it, that unless they can find that number they will be unable to vote by mail, and helping individuals to either recall or locate identification numbers. The diversion of resources required to guide members through complying with and having their mail-in application accepted and ballot counted pursuant to the burdensome new identification requirements will decrease the amount of time and resources that Plaintiff can spend conducting educational outreach to and answering questions from other voters about participating in the voting process and advancing its other organizational goals. This diversion of resources would not be necessary in the absence of SB 1. Plaintiff lists additional specific injuries in SAC ¶¶ 119 and its response to Interrogatory No. 4.

Before SB 1, voters had a right to select an assistant of their choice and to have assistance in all aspects of the voting process, free of encumbrance by state laws that impose restrictions on the selection of those assistants or the specific types of assistance that may be provided by them. SB 1 Section 6.06 creates a strict liability, state jail felony that criminalizes the provision of assistance by anyone who "solicits, receives, or accepts compensation" for assisting a voter with its mail-in ballot. Plaintiff lists specific injuries in SAC ¶¶ 169 and its response to Interrogatory No. 4.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022, and February 7, 2023—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 3: If you contend that your members have been injured by any of the Texas Election Code provisions identified in Interrogatory No. 1, for each plaintiff:

- A. State the facts that support your contention, including the identity of each injured member upon whom your standing is based; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to

associational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff additionally objects to this interrogatory as overbroad and imposing burdens not proportional to the needs of the case by seeking the identities of and documents relating to all members, rather than only identities and documents relating to members sufficient to support standing. Plaintiff does not maintain membership records that necessarily include information relating to disability or language access, nor does it monitor the election-related volunteer activities of members outside of Plaintiff-organized events. It is also unnecessarily burdensome and invasive to produce the identities of every injured member and every document related to those members without any time limitation. Nor is such individualized proof required to support associational standing. Indeed, requiring Plaintiff to produce proof of every injured member would turn the notion of associational standing on its head. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. REVUP has approximately 500 members, who are primarily individuals with disabilities and are eligible to vote by mail and eligible to receive assistance while voting by mail. Some of REVUP's members also serve as assistants to persons needing assistance to vote due to a disability. REVUP members with disabilities participate in and help guide the direction of the organization's efforts. These members have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1 because these provisions burden and limit people who provide necessary assistance to voters, which in turn will unduly burden REVUP members who cannot vote without such assistance. In addition, REVUP members have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1 because these provisions burden and limit the ability to vote by mail by requiring identification information that members either do not have access to or cannot correctly provide, thereby eliminating the option to vote by mail for these members. For some REVUP members, voting by mail is the only way they are able to vote. Plaintiffs' Second Amended Complaint details three examples of REVUP members who have been or will be injured by the Texas Election Code provisions identified in Interrogatory No 1. SAC ¶¶ 169–173

While the following is not an exhaustive list of injured members, REV-UP contends the following members have been injured by the Texas Election Code provisions identified in Interrogatory No. 1:

Laura Halvorson: Ms. Halvorson voted by mail in March 2022 but was unable to confirm whether her mail-in ballot was accepted using the ballot tracker system until well after the close of voting in March, making it impossible to have cured her ballot if there were an error in her identification number. Ms. Halvorson's disabilities affect her motor control, making it extremely difficult for her to write legibly, raising the possibility her identification number will be entered incorrectly or illegibly. Because Ms. Halvorson's March 2022 ballot was not counted with enough time for her to cure if there had been an error and because Ms. Halvorson was concerned her November 2022 ballot would be rejected due to a discrepancy with her ID number, Ms. Halvorson was left with no option other

than voting in person to ensure her ballot was counted in the November 2022 election. Ms. Halvorson's respiratory and mobility disabilities make voting in public dangerous, difficult, and time-consuming for her, yet this is the only way she can confirm her ballot was counted in November and will be counted in the future in light of the changes made by SB1 to mail-in voting. Ms. Halvorson remains afraid that her disabilities will again require her to vote by mail in the future and that her ballot will not be counted as a result of an ID-related rejection that Ms. Halvorson will not have the opportunity to cure.

Teri Saltzman: Ms. Saltzman is legally blind. In March 2022, she was notified by the Travis County Clerk that her ballot was rejected. She attempted to identify the error and cure her ballot, but was unable to complete the cure process online as this process was inaccessible to her even with her assistive devices. She still does not know whether her March 2022 ballot was counted. In November 2022, her ballot was even less accessible to her than the March ballot, with font so small that it was unreadable with her optic device that magnifies text for her. After filling in and submitting her ballot the best she could, she was again notified that her ballot was rejected in November 2022 and was again unable to cure her ballot using the online process as it was inaccessible to her. Ms. Saltzman prefers to vote by mail as she does not drive and arranging transportation to a polling place can be difficult if not impossible. Casting her ballot in private when she votes in person is essentially impossible as the various accommodations available to her either make her choice so large on the screen that it can be seen by anyone standing behind her or requires her to say her choice aloud for an assistor to mark. Ms. Saltzman had regularly voted by mail in Texas without issue before the changes instituted by SB1.

Ann and Taylor Scott: Taylor Scott is a person with Cerebral Palsy (CP) who is blind in one eye and uses a power wheelchair to ambulate. Miss Scott's disabilities also impact her communication such that people unfamiliar with her speech may not understand her. Her mother, Ann, is her assistor. In November 2022, Miss Scott applied to vote by mail, with her mother completing her application at her direction. Miss Scott's state-issued identification had expired during the Covid-19 pandemic and she was unable to renew it; however, she and Mrs. Scott believe the last four numbers of her social security number were entered on her application. Miss Scott never received a letter notifying her whether her application to vote by mail was rejected and therefore never had the opportunity to cure her application. On information and belief, Miss Scott's application to vote by mail was rejected for an ID-related reason. When a ballot did not arrive for Miss Scott, Mrs. Scott took Miss Scott to vote in person, a process requiring significant time and difficulty. Miss Scott successfully voted by mail in the November 2020 Presidential Election. As a result of the changes brought by SB1 and Miss Scott's mail-in ballot application rejection in November 2022, Miss Scott and Mrs. Scott must plan for Miss Scott to vote in person now, though doing so is substantially more difficult than voting by mail was for her before SB1.

Yvonne Iglesias: Ms. Iglesias is person who is paralyzed, experiences consistent muscle spasms, and is blind in one eye. She has voted by mail in most elections since 2006. Ms. Iglesias completed her application to vote by mail and then called the election office well before the election to confirm her application was received. She was informed for the first time when she called that her application had been rejected for an ID-related reason. The election official directed her which number to write on her application, which Ms. Iglesias

resubmitted. After submitting her application, she again reached out to the elections office several days before the election to confirm her second application was received and accepted. She was again informed that it was rejected for an ID-related reason and also because it had arrived too late. Ms. Iglesias is not able to travel on short-notice, as her disabilities require significant coordination to arrange appropriate, accessible transportation, thus she was not able to vote in the November 2022 election. Because of her disabilities, voting by mail remains the only form of voting that is physically accessible to her, though she no longer has confidence she will be able to vote in the future as a result of the changes brought about by SB1.

- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022, and February 7, 2023— see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 4: If you contend that you have to divert time, money, and resources from other activities because of the passage of Senate Bill 1, for each plaintiff:

- A. Identify the time, money, and resources that you have diverted or anticipate diverting in response to SB1;
- B. Identify all specific projects that you had or will have to put on hold or otherwise curtail in response to SB1;
- C. State the facts that support your contention that you have and will divert time, money, and resources in response to Senate Bill 1, including an explanation of how the projects and expenditures identified in Interrogatories Nos. 3.A and 3.B differ from your routine activities; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this blockbuster interrogatory as broad and unduly burdensome because it demands that Plaintiff marshal all of its evidence with regard to organizational standing at this stage of the litigation. Plaintiff will produce all witnesses and documents it relies upon to support its claims in this lawsuit according to the Amended Scheduling Order, the Federal Rules of Civil Procedure, and Federal Rules of Evidence. Plaintiff objects to this interrogatory as vague and undefined as to “other activities” and what qualifies as “in response to SB 1.” Plaintiff further objects to this interrogatory to the extent it seeks to impose injury requirements not required by law, such as the cancellation of specific projects. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. Plaintiff also objects that Interrogatory 4.C requests information about projects and expenditures identified in Interrogatories 3.A and 3.B, but Interrogatories 3.A and 3.B do not ask about projects or expenditures. Plaintiff further objects that Interrogatory 4.C requests information that is duplicative of Interrogatories 4.A and 4.B. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. REVUP has expended time, money, and resources in combating SB 1's passage. REVUP's members attended public testimony trainings, recruited other testifiers, testified at public hearings of the Texas House and Senate, wrote letters against SB 1, organized email writing

campaigns, and attended a rally defending the right to vote.

Since SB 1 went into effect on December 2, 2021, REVUP has had to devote significant time and resources to educate members and the public to navigate SB 1's new provisions. Starting on approximately November 1, 2021 and extending through the March 2022 primaries, Bob Kafka, REVUP's coordinator, had to devote the vast majority of his time to SB 1. Since March 2022, though Mr. Kafka has been able to devote time to other projects, SB1 has continued to require his time. In particular, Mr. Kafka and at least five other REVUP volunteers have had to work a significant amount of time on educating REVUP members and the public about SB 1's new requirements and restrictions. For example, REVUP volunteers have had to spend time: creating a podcast regarding changes and barriers in SB 1, updating the REVUP website to reflect the changes of SB 1, creating social media posts about SB 1, answering media inquiries about the impact of SB 1 on voters with disabilities, answering questions from members and the public about the mail-in ballot identification requirements and the restrictions on assistance, referring members to additional legal resources regarding their SB 1 questions, drafting and sending out information about the identification issues and application to vote by mail and ballot rejection, and doing media outreach and PSAs to get out the vote ("GOTV") to combat the barriers created by SB 1. Doing all of this took significant time and took away from the time Mr. Kafka could devote to the organization's mission.

Because of REVUP's reputation as a disability advocacy organization, Mr. Kafka has also devoted significant time to receiving media requests and speaking to the media about the confusion caused by the restrictions and requirements imposed by SB 1. Coordinating these interviews, preparing for them, and participating in them has taken a significant amount of time.

Beyond volunteer time, REVUP's response to SB 1 has also caused it to expend financial resources. REVUP has had to expend financial resources on paying its webmaster to update its website and paying for American Sign Language interpreters for its SB 1 podcast and trainings.

REV-UP continues to receive calls from voters with questions about ballot by mail ID requirements and devotes its limited time and resources to answering these calls, particularly Mr. Kafka's time. REV-UP also continues to devote time during meetings and trainings to provide education and answer questions regarding vote by mail ID-requirements. Because these meetings and trainings are limited in time, these discussions necessarily take time away from discussing other topics central to REV-UP's mission.

- B. As a result of SB 1, REVUP has had to significantly scale back its voter registration and GOTV efforts. Rather than focusing on designing and disseminating materials on topics impacting people with disabilities, REVUP has had to focus on designing and disseminating materials regarding challenges with the vote-by-mail process as a result of SB 1 and the assistance provision. REVUP is a nonpartisan organization whose mission it is to register voters with disabilities, to encourage them to get educated on the issues, and to vote. REVUP has had to scale back on these efforts in order to focus on SB 1. Further, the time required to challenge and educate the public about SB 1 also caused REVUP to slow down

and shrink the planning for a previously planned project called the Texas Disability Issues Forum.

In advance of the 2023 local elections REV-UP is ramping back up voter registrations and GOTV efforts; however, these registration and GOTV efforts include significant time spent providing information and discussions about vote by mail ID requirements that REV-UP members previously did not have to spend. SB 1 has thus continued to hamper the scale of REV-UP's voter registration and GOTV efforts.

- C. Plaintiff's Response to Interrogatories 4.A and 4.B identify the projects and expenditures Plaintiff must undertake in response to SB 1 that differ from its normal activities and those responses are incorporated herein.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022, and February 7, 2023— see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 5: If you contend that the passage of SB1 frustrates your mission, for each plaintiff:

- A. Explain how each provision makes your activities more difficult; and
- B. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as cumulative and duplicative of Interrogatory No. 4. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules. Accordingly, subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The mission of REVUP is to conduct outreach, educate, and disseminate information to people with disabilities, family members, supporters, professionals, the general public, and policymakers on issues affecting the integration of people with disabilities of all ages into every aspect of community living, including by increasing voter turnout in the disability community and advancing political change. Plaintiff lists ways in which SB 1 has made carrying out its mission more difficult in its responses to Interrogatories No. 2, 3, and 4.
- B. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022, and February 7, 2023—see Plaintiffs' Response to Request for Production No. 2.

INTERROGATORY NO. 6: If you contend that SB1 targets “many of the precise methods that local election authorities and community groups used to make voting easier and more accessible to traditionally marginalized voters,” as described in ECF 200 ¶ 2, for each plaintiff:

- A. Identify the “precise methods” that “local election authorities” used to make voting easier and more accessible;

- B. Identify the “local election authorities” that used these “precise methods;”
- C. Identify how these “precise methods” made “voting easier and more accessible to traditionally marginalized voters;” and
- D. Identify all documents that support your contentions.

RESPONSE: Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds as follows:

- A. The “precise methods” used by “local election authorities” that make voting easier and more accessible that are at issue in this suit are: (1) voting by mail, particularly for the elderly and people with disabilities; and (2) permitting assistance with mail-in ballots.
- B. The referenced sentence refers to county election officials generally, not any specific county election official.
- C. Subject to and without waiver of its objections, Plaintiff points to SAC ¶ 4, which refers to voters with disabilities, voters with limited English proficiency, and voters of color. In Plaintiff’s experience assisting voters and monitoring elections, these voters are traditionally marginalized in Texas. Plaintiff believes that voting by mail and permitting assistance with mail-in ballots makes it easier for voters with disabilities, voters with limited English proficiency, and voters of color to vote.
- D. Subject to the foregoing objections and those indicated in the Response to Requests for Production, Plaintiff produced documents responsive to this request on April 5, 2022, and February 7, 2023—see Plaintiffs’ Response to Request for Production No. 2.

INTERROGATORY NO. 7: If you contend that SB1 “adds immaterial burdens to the process of applying to and actually voting by mail,” as described in ECF 200 ¶ 99, for each plaintiff:

- A. Identify the “immaterial burdens” added;
- B. Explain how these burdens are immaterial; and
- C. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it calls for a legal conclusion as to materiality. Subject to and without waiver of the foregoing specific and general objections, Plaintiff responds by pointing to SAC ¶¶ 99–111, which describe what types of identification that are acceptable for voting in person yet are not acceptable to meet SB 1’s onerous

new requirements for applying to vote by mail, and the types of cure processes provided for in- person voting that are not provided for applying to vote by mail.

INTERROGATORY NO. 8: For each plaintiff, identify:

- A. All accommodations that would be necessary for you or your disabled members to vote in compliance with SB1;
- B. Any accommodations you or your members requested or intend to request

- for the March 2022 primary in response to SB1;
- C. State the facts that support your contentions; and
- D. Identify all documents that support your contentions.

RESPONSE: Plaintiff objects to this interrogatory as vague and undefined as to “accommodations” and what qualifies as “in response to SB 1.” Plaintiff objects to this interrogatory as overly broad and premature because it seeks to require Plaintiff to marshal all of its evidence at this stage of the litigation for a large and diverse group of people with disabilities with varying modification needs, and Plaintiff—though it has numerous members with disabilities—does not specifically track the disability status and necessary accommodations of its members. Plaintiff further objects to the request for information about all disabled members as overbroad and not proportional to the needs of the case. Moreover, as described in Plaintiff’s SAC, the SB 1 provisions challenged by Plaintiff inflict systemic harm on large groups of people with disabilities and impose a chilling effect deterring those who seek to assist individuals in voting, including Plaintiff and its members. These are not harms that can be remedied by individual, case- by-case reasonable modification requests. Plaintiff reserves the right to supplement or amend this response to the extent it discovers additional or conflicting information responsive to this Interrogatory. To the extent Plaintiff becomes aware of additional information responsive to this Interrogatory, Plaintiff will supplement its response in accordance with the Rules.

INTERROGATORY NO. 9: Please identify and describe with specificity each form of affirmative relief which you seek from each defendant through this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks:

1. Declaratory judgment that the State of Texas’s statutory scheme as described with specificity in the operative pleading violates the United States Constitution, the Voting Rights Act, the Civil Rights Act, the ADA, and Section 504;
2. Permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions, if any;
3. Attorneys’ fees to Plaintiff in accordance with 42 U.S.C. § 1988, 29 U.S.C. § 794a, 42 U.S.C. § 12205, and/or any other applicable provision;
4. Order that all costs of this action be taxed against Defendants; and
5. Grant any additional or alternative relief to which Plaintiff may be entitled.

INTERROGATORY NO. 10: If you seek mandatory injunctive relief through this Lawsuit, please identify and describe with specificity, by plaintiff, each omission that you contend

each Defendant should be enjoined to perform to resolve each claim you have alleged against the Defendant in this Lawsuit.

RESPONSE: Plaintiff objects to this Interrogatory because it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Subject to and without waiver of the foregoing objection, Plaintiff responds as follows:

Plaintiff seeks mandatory injunctive relief against the Texas Secretary of State requiring it to (a) issue guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required; (b) issue guidance that lack of an ID number or an ID-number mismatch on an application to vote by mail or a ballot is not grounds for rejecting the application or ballot; (c) prescribe the design and content of the forms necessary for elections that no longer contain the mail-in ballot ID provisions; (d) prescribe the design and content of the application to vote by mail and mail-in envelope that no longer contain the ID provisions; and/or (e) issue guidance to all county election administrators or equivalent county officials that waiving the ID requirements is a reasonable accommodation that may be granted for persons with disabilities. Plaintiff additionally seeks mandatory injunctive relief requiring the Texas Secretary of State to widely publicize any such guidance or changes in the operation of the law.

Plaintiff likewise seeks mandatory injunctive relief against the Travis County Clerk and the Harris County Elections Administrator requiring them to (a) use forms for mail-in applications and ballots that do not request ID numbers; (b) follow the Texas Secretary of State's guidance that SB 1's ID provisions for mail-in applications and ballots are no longer required and that lack of ID number or mismatch of ID number are not grounds to reject an application to vote by mail or ballot by mail; (d) widely publicize that the ID requirements for mail-in applications and ballots are no longer valid; and/or (e) grant requests to waive the ID requirements as a reasonable accommodation for persons with disabilities.

INTERROGATORY NO. 11: If you seek prohibitive injunctive relief through this Lawsuit, please identify and describe with specificity each action that you contend each Defendant should be enjoined from performing to resolve.

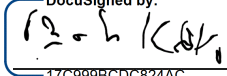
RESPONSE: Plaintiff objects to this Interrogatory to the extent it requires Plaintiff to describe relief that may be necessary to address or prevent injuries from SB 1 that Plaintiff may uncover through additional investigation and discovery or may occur as SB 1 is implemented. Plaintiff also objects to this Interrogatory as duplicative of Interrogatory No. 9. Subject to and without waiver of the foregoing objections, Plaintiff responds as follows:

Plaintiff seeks a permanent injunction against the State of Texas, the Texas Secretary of State, the Texas Attorney General, the Harris County District Attorney, the Travis County District Attorney, and other appropriate county agencies administering elections from enforcing the specific provisions of the Texas Election Code as amended by SB 1, and from prosecuting any individual pursuant to the criminal offenses defined in these provisions.

VERIFICATION FOR RESPONSES TO INTERROGATORIES

I, Bob Kafka, verify under penalty of perjury under the laws of the United States of America that the foregoing third amended responses to State Defendants' First Set of Interrogatories are true and correct, to the best of my knowledge.

Bob Kafka
Name

Coordinator
Title
DocuSigned by:

17C999BCDC824AC...
Signature

March 31, 2023 | 4:25 PM CDT
Date

On behalf of REV-UP Texas

Exhibit 12

Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

Print clearly in blue or black ink, please see back for instructions.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.

☐ I am a U.S. citizen living outside the country, and I intend to return.

☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.

☐ I am a U.S. citizen living outside the country, I have never lived in the United States.

Last name	Suffix (Jr., II)	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.
First name	Previous names (if applicable)	
Middle name	Birth date (MM/DD/YYYY)	
Social Security Number	Driver's license or State ID#	

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on the other side of form.

Street address	Apt #
City, town, village	State
County	ZIP

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)
--	---

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	Phone:
Alternate email:	Fax:

5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)	<input type="checkbox"/> Mail <input type="checkbox"/> Email or online <input type="checkbox"/> Fax	B. What is your political party for primary elections?
--	---	--

6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. *Additional state guidelines* may be found at FVAP.gov. You may also use this space to clarify your voter information.

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here

X

Today's date
(MM/DD/YYYY)

You can vote wherever you are.

1. Fill out your form completely and accurately.

- Your U.S. address is used to determine where you are eligible to vote absentee. For military voters, it is usually your last address in your state of legal residence. For overseas citizens, it is usually the last place you lived before moving overseas. You do not need to have any current ties with this address. DO NOT write a PO Box # in section 2.
- Most states allow you to provide a Driver's License number or the last 4 digits of your SSN. New Mexico, Tennessee, and Virginia require a full SSN.
- If you cannot receive mail at your current mailing address, please specify a mail forwarding address.
- Many states require you to specify a political party to vote in primary elections. This information may be used to register you with a party.
- **Section 6 Requirements:** If your voting residence is Vermont, you must acknowledge the following by writing in section 6: "I swear or affirm that I have taken the Vermont Voter's Oath." If your voting residence is in Puerto Rico, you must list your mother's and father's first name.
- We recommend that you complete and submit this form every year while you are an absentee voter.

2. Remember to sign this form!

3. Return this form to your election official. You can find their contact information at FVAP.gov.

- Remove the adhesive liner from the top and sides. Fold and seal tightly. If you printed the form, fold it and seal it in an envelope.
- All states accept this form by mail and many states accept this form by email and fax. See your state's guidelines at FVAP.gov.

Agency Disclosure Statement

The public reporting burden for this collection of information, OMB Control Number 0704-0503, is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. DO NOT SUBMIT YOUR FORM TO THE E-MAIL ADDRESS ABOVE.

Privacy Advisory

When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

Questions?
Email: vote@fvap.gov

(Fill in the address of your election office.
The address can be found online at FVAP.gov.)

To

NO POSTAGE NECESSARY IN THE U.S. MAIL - DMM 703.8.0

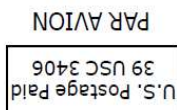
OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL



International airmail postage is required if not mailed using the U.S. Postal Service, APO/FPO/DPO system, or diplomatic pouch.

(Your name and mailing address)

From



OCA-REPLY-APPX-238

Exhibit 13

Transcript of the Testimony of
Pamiel Gaskin

Date:

June 29, 2022

Case:

LA UNION DEL PUEBLO ENTERO vs GREGORY W. ABBOTT

Pamiel Gaskin

June 29, 2022

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO)	
ENTERO, et al.,)	
	)	Case No.
Plaintiffs,	)	5:21-cv-844-XR
)	
VS.	)	(Consolidated for
	)	space)
GREGORY W. ABBOTT,)	
et al.,)	
Defendants.)	

DEPOSITION OF PAMIEL J. GASKIN
June 29, 2022, 9:25 a.m.

Location: U.S. Department of Justice
1000 Louisiana Street, Suite 2300
Houston, Texas

Volume 1 of 1 - Pages 1 - 127

Stenographic Reporter:
DENYCE M. SANDERS, TX CSR, RDR, CRR, CCR (LA)
dsanderscsr@gmail.com

JOB NO. 845774

Pamiel Gaskin

June 29, 2022

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A P P E A R A N C E S

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Represented by: Ms. Ashley Harris

ON BEHALF OF TEXAS CIVIL RIGHTS PROJECT ON BEHALF OF
PAMIEL GASKIN:

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Represented by: Mr. Zachary Dolling

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Represented by: Mr. Jack DiSorbo
Mr. Zachary Berg

ON BEHALF OF YSABEL RAMON:

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Pamiel Gaskin

June 29, 2022

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1 ON BEHALF OF UNITED STATES OF AMERICA:

2 DEPARTMENT OF JUSTICE
3 Civil Rights Division, Voting Section
4 Washington, DC 20530
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5 Represented by: Ms. Dana Paikowsky

6 ***

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17 ALSO PRESENT VIA ZOOM:

18 Kenny Buser-Clancy

19 Tiffany Bingham - Harris County

20 Savannah Kumar

21 Barbara Nicholas - Scarpello & Creuzot

Pamiel Gaskin

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ORAL DEPOSITION OF

PAMIEL J. GASKIN, JUNE 29, 2022

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Pamiel Gaskin

June 29, 2022

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1 school. He called me. He said, "For your birthday,
2 I'm going to come get you. Give me your schedule,
3 your class schedule, and I'm going to come get you
4 and get you registered to vote."

5 So I told him what my class schedule
6 was. He showed up on a Thursday afternoon, about 1
7 o'clock. Drove me back to Galveston County.

8 That morning -- next morning took me
9 to register to vote, and drove me back to Austin
10 that afternoon so I could go to my 1 o'clock class.

11 Q. That's great.

12 Do you remember what class it was?

13 A. No. No. No. I'm 75. That was -- I
14 was 21 then.

15 Q. Sometimes when you've got great stories
16 like that, you remember random details, that sort of
17 thing.

18 A. That's not a detail I remember.

19 Q. Well, that's a long drive from Austin to
20 Galveston.

21 A. Yeah.

22 Q. Now, you said that you voted in the
23 March 2022 primary; correct?

24 A. I did.

25 Q. Okay. Now, I understand you had some

Pamiel Gaskin

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1 wanted to see if the system for surrendering would
2 work; is that right?

3 A. Yes.

4 Q. Okay. So when you voted absentee in the
5 2022 primaries, was that your first time voting by
6 that method?

7 A. No.

8 Q. When had you done that before?

9 A. I started voting absentee when I turned
10 65.

11 Q. Okay. And you've done that since then?

12 A. Yes.

13 Q. Okay.

14 A. Mostly.

15 Q. Mostly. Maybe some voting in person
16 here and there?

17 A. Yeah.

18 Q. Before you turned 65, how did you
19 typically vote?

20 A. In person.

21 Q. In person.

22 Typically early voting --

23 A. Early --

24 Q. -- or election day?

25 A. -- early voting.

Pamiel Gaskin

June 29, 2022

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REPORTER CERTIFICATION

THE STATE OF TEXAS :
COUNTY OF HARRIS :


I, DENYCE SANDERS, a Certified Shorthand Reporter and Notary Public in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness, PAMIEL J. GASKIN, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, and same were reduced to typewriting under my direction; that the above and foregoing deposition as set forth in typewriting is a full, true, and correct transcript of the proceedings had at the time of taking of said deposition.

I further certify that I am not, in any capacity, a regular employee of the party in whose behalf this deposition is taken, nor in the regular employ of his attorney; and I certify that I am not interested in the cause, nor of kin or counsel to either of the parties;

That the amount of time used by each party at the deposition is as follows:

MR. DiSORBO - 02:45:34

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this, the 1st day of July, 2022.


DENYCE SANDERS, CSR, RDR, CRR, TCRR
Notary Public in and for
Harris County, T E X A S

My Commission Expires: 4-14-25
Certification No.: 4038
Expiration Date: 4-30-24
Magna Legal Services
1635 Market Street, 8th Floor
Philadelphia, PA 19103
215.207.9460
JOB NO. 845774